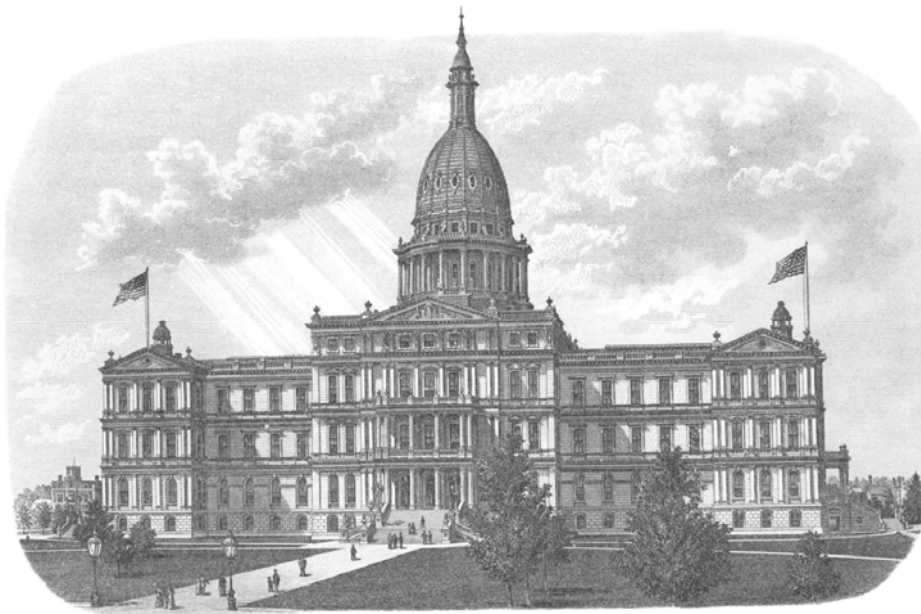


Michigan Register

Issue No. 12– 2016 (Published July 15, 2016)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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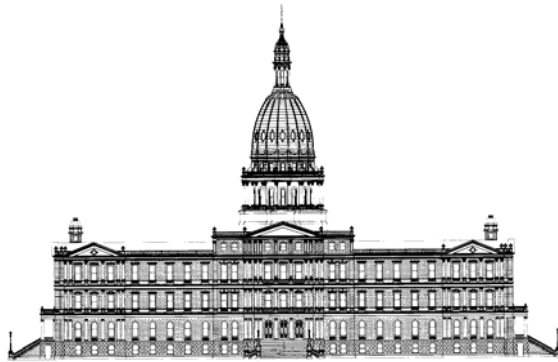
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Office of Regulatory Reinvention

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Mike Zimmer, Director, Licensing and Regulatory Affairs; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Mike Zimmer, Director
Licensing and Regulatory Affairs

2016 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2016	February 1, 2016
2	February 1, 2016	February 15, 2016
3	February 15, 2016	March 1, 2016
4	March 1, 2016	March 15, 2016
5	March 15, 2016	April 1, 2016
6	April 1, 2016	April 15, 2016
7	April 15, 2016	May 1, 2016
8	May 1, 2016	May 15, 2016
9	May 15, 2016	June 1, 2016
10	June 1, 2016	June 15, 2016
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19	October 15, 2016	November 1, 2016
20	November 1, 2016	November 15, 2016
21	November 15, 2016	December 1, 2016
22	December 1, 2016	December 15, 2016
23	December 15, 2016	January 1, 2017
24	January 1, 2017	January 15, 2017

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**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF STATE POLICE LICENSING AND REGULATORY AFFAIRS

FIRE FIGHTERS TRAINING COUNCIL

GENERAL RULES

Proposed May 24, 2016

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the fire fighters training council by section 16 of 1966 PA Act No. 291 of the Public Acts of 1966, as amended, being ~~S MCL 29.376, of the Michigan Compiled Laws and Executive Order Reorganization No. 2003-18~~ **2003-1, MCL 445.2011**)

R 29.401, R 29.402, R 29.403, R 29.404, R 29.405, R 29.406, R 29.407, R 29.408, R 29.409, R 29.410, R 29.411, R 29.413, R 29.414, and R 29.415 of the Michigan Administrative Code are amended; R 29.408a, R 29.408b, R 29.408c, R 29.408d, R 29.408e, and R 29.408f are added to the Code; and, R 29.412 is rescinded.

R 29.401 Definitions.

Rule 1. As used in these rules:

(a) "Act" means the ~~Firefighters Training Council Act~~, 1966 PA 291, MCL 29.361 to 29.377.

(b) "Council" means the fire fighters training council **as defined in the act**.

(c) **"Department" means the department of licensing and regulatory affairs, bureau of fire services.** ~~"Executive secretary" means the executive secretary of the council.~~

(d) **"Emergency medical services and instructor coordinator license, or ems/ic license," means a license issued by the department of community health pursuant to the public health code, 1978 PA 368, MCL 333.20901 to 333.20979.** ~~"Fire fighter" means a member of an organized fire department who is either an employee of the department or a volunteer.~~

(e) **"Fire fighter" means a member, including a volunteer member and a member who is paid on call, of an organized fire department that is responsible for, or is in a capacity that includes responsibility for, the extinguishment of fires, the directing of the extinguishment of fires, the prevention and detection of fires, and the enforcement of the general fire laws of this state. Fire fighter does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.** ~~"Staff member" means the executive secretary, field coordinator, or curriculum writer employed full time by the council.~~

R 29.402 Council approved course; instruction hours; recognition of training by council.

Rule 2. (1) ~~A~~ **The council approved course shall be evaluated by the curriculum work group** based upon all of the following:

- (a) The time required to adequately cover the subject material.
- (b) The ability of an average class to accomplish the established goals.
- (c) Its relevancy to the needs of the fire service in ~~Michigan~~ **this state**.

(2) An instruction hour shall consist of 50 minutes of instruction time and 10 minutes break time, totaling 1 actual hour.

~~(3) The council shall only recognize training that is conducted by council approved personnel.~~

R 29.403 Curriculum; Examinations.

Rule 3. (1) ~~An instructor, in conjunction with an advisory committee from the area and the coordinator, shall determine the emphasis to be given to the various subjects in the curriculum which are necessary for proper training of a new fire fighter. The emphasis to be given to the various subjects in the curriculum shall be reviewed and approved by the executive secretary.~~

~~(2) A review, mid-term, and final examination shall be given in all courses. The~~ **fire fighter I and II** examinations shall be approved by the council and shall be reviewed by ~~council~~ **department** staff members to ascertain if there is adequate comprehension of the subject material tested in the examinations. **The examination for fire fighter I and II may be combined into 1 part of the examination to test the knowledge and skill requirements in the standards for fire fighter professional qualifications, national fire protection association, nfpa, standard 1001, as adopted in R 29.410.**

(2) **The examination requirement for fire fighter I and II shall be waived for a veteran who served in and is separated from the armed forces and provides a form DD214 or DD215, or another form that demonstrates that the candidate was separated from service with an honorable character of service or under honorable conditions general character of service. The veteran must have completed firefighter training while serving in the armed forces of the United States, that meets the standards for fire fighter I and fire fighter II set forth in NFPA 1001 “standard for fire fighting professional qualifications,” as adopted in R 29.410.**

~~(3) The examinations shall be conducted by council approved personnel.~~

(3) **The state fire marshal shall waive the examination requirements and extend reciprocity to a firefighter from another state if the firefighter was certified in the other state after successfully completing a program that meets or exceeds the standards for fire fighter I and fire fighter II set forth in “standard for fire fighter professional qualifications”, national fire protection association standard no. 1001 by an international accreditation fire service organization. A reciprocity request shall be submitted on a form prescribed by the bureau.**

~~(4) (2) (4)~~ **A minimum of 70% average is required to successfully pass the examinations, unless otherwise specified in the course objectives.**

R 29.404 Attendance at training sessions; certificates.

Rule 4. (1) A trainee shall attend all sessions unless he **or she** has a valid reason for his **or her** absence. The instructor may, for valid reasons, excuse not more than 10% of the total hours of instruction. An absentee from a scheduled class session shall make up the absence as required by the instructor.

~~(2) After successful completion of the program, the council shall award a certificate to a trainee. If a trainee is trained in a 240 hour continuous course, certificates shall not be awarded~~

~~for the class IV, class III, or class II portions.~~ Upon successful completion of the course, the state fire marshal or the council may award a certificate for that course.

R 29.405 Classification of fire fighters; ~~fire inspectors; officers.~~

Rule 5. ~~(1) The following are the classifications for fire fighter I and fire fighter II pursuant to section 9 of the act, MCL 29.369: A class IV fire fighter is a person who has successfully completed the council approved curriculum of a basic course not less than 66 hours in length.~~

(a) A fire fighter I is a person who successfully passes the council approved fire fighter I exam which covers the skill and knowledge requirements for fire fighter I in nfp 1001, “Standard for Fire Fighter Professional Qualifications,” as adopted by reference in R 29.410.

(b) A fire fighter II is a fire fighter I who meets the requirements of subdivision (a) of this rule and successfully passes the council approved fire fighter II exam which covers the skill and knowledge requirements for fire fighter II in nfp 1001 standard, “Standard for Fire Fighter Professional Qualifications,” as adopted by reference in R 29.410.

~~(2) A class III fire fighter is a class IV fire fighter who has successfully completed the council approved curriculum of an intermediate course not less than 60 hours in length.~~

~~(3) A class II fire fighter is a class III fire fighter who has successfully completed the council approved curriculum of a basic advanced course not less than 60 hours in length.~~

~~(4) A class I fire fighter is a class II fire fighter who has successfully completed the council approved curriculum of an advanced course not less than 60 hours in length.~~

~~(5) A fire inspector is a person who has successfully completed the council approved curriculum of a basic fire inspector's course. A fire inspector may also be a person who has challenged the council approved examination and passed the examination with a score of not less than 70%. A certificate shall be issued by the council upon the passing of the examination.~~

~~(6) A class III officer is a class IV fire fighter who has successfully completed the council approved basic fire officer's course of not less than 40 hours in length, and has passed a council approved examination for this course with a score of not less than 70%. A class III officer may also be a person who has challenged the council approved comprehensive examination for this classification and passed the examination with a score of not less than 70%.~~

~~(6) A class III officer is a class IV fire fighter who has successfully completed the council approved basic fire officer's course of not less than 40 hours in length, and has passed a council approved examination for this course with a score of not less than 70%. A class III officer may also be a person who has challenged the council approved comprehensive examination for this classification and passed the examination with a score of not less than 70%.~~

~~(7) A class II officer is a class III fire fighter and a class III officer who has successfully completed the council approved intermediate fire officer's course of not less than 40 hours in length, and has passed a council approved examination for this course with a score of not less than 70%. A class II officer may also be a person who has challenged the council approved comprehensive examination for this classification and passed the examination with a score of not less than 70%.~~

~~(8) A class I officer is a class I fire fighter and a class II officer who has successfully completed the council approved advanced officer's course of not less than 40 hours in length, and has passed a council approved examination for this course with a score of not~~

~~less than 70%. A class I officer may also be a person who has challenged the council-approved comprehensive examination for this classification and passed the examination with a score of not less than 70%.~~

R 29.406 Training on a **local and** regional basis.; ~~exception; location of schools.~~

Rule 6. **(1) The council may enter into an agreement with a fire department, a county training committee, or a regional training center to provide training on a regional basis.** ~~With the exception of in-service training, all training offered by the council shall be on a regional basis, and all classes shall contain trainees from more than 1 department.~~

~~(2) The council may enter into an agreement with a department or departments to provide training on a regional basis.~~

~~(3) The field coordinator shall make the final determination regarding the location of any council-approved or council-sponsored school.~~

R 29.407 In-service training program.

Rule 7. ~~If 75% of the members of a department are in or above the same classification, the department may participate in the council-approved in-service training program by notifying the executive secretary of its percentage factor. Upon receipt of such information, the department shall~~

~~begin to receive drill plans and shall continue to receive drill plans on a periodic basis. The drill plan shall be so designed that, if properly used, it outlines a drill 3 hours in length or 3 drills 1 hour in length, and over a period of 12 months it shall constitute a refresher course in all categories of training required for that classification. For example, if of the 100 persons in a department, 66 are in the fire fighter II classification, 5 are in the fire fighter I classification, and 29 are in officer II classification, the department may request drill plans for the fire fighter II classification.~~ **Requirements for in-service training programs are found under the authority of the department of licensing and regulatory affairs, Michigan occupational safety and health administration general industry safety standards, part 74, fire fighting standard, R 408.17401 to R 408.17464.**

R 29.408 Instructor **classifications** ~~certification~~ generally.

Rule 8. (1) **The professional classifications for fire service instructors I and II shall be based on the qualifications and performance requirements specified in nfpa standard 1041, “Standard for Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410.** ~~An applicant for an instructor's certificate shall submit all the necessary supporting information and data, on forms provided by the council, to the executive secretary for review and recommendation for council approval.~~

(2) Performance standards shall be evaluated by department staff designated by the fire marshal. The following are general performance based instructor classifications: ~~An applicant shall have the approval and recommendation of his agency head.~~

(a) An associate instructor is an instructor who has both of the following:

(i) The knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments.

(ii) The ability to teach according to his or her individual instructional training, by using a variety of teaching strategies, utilizing lesson plans and instructional aids as required.

(b) An instructor I is an instructor who has demonstrated the knowledge and ability to do all of the following:

- (i) Deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments.
- (ii) Adapt lesson plans to the unique requirements of the students, school, training center, and state laws.
- (iii) Organize the learning environment so that learning and safety are maximized.
- (iv) Meet all record-keeping requirements.
- (c) An instructor II is an instructor who meets the instructor I performance standards and also demonstrates the knowledge and ability to do all of the following:
 - (i) Develop individual lesson plans for a specific topic including learning objectives, instruction aids, and evaluation instruments.
 - (ii) Schedule training sessions based on overall training plans.
 - (iii) Supervise and coordinate the activities of other instructors.
- (3) All applicants and instructors shall comply with all fire training state statutes and rules. ~~The executive secretary may, at the direction of the council, issue a provisional certification, which may be in effect for a period not to exceed 6 months from the date of issuance.~~
- ~~(4) Within 6 months after the date of issuance of a provisional certification, a council staff member shall evaluate and test the applicant to determine his competence, and shall either recommend or not recommend the applicant for "B" certification. The executive secretary may extend this time period.~~

R 29.408a Probationary associate instructor; associate instructor; requirements.

Rule 8a. (1) An applicant for a probationary associate instructor shall meet all of the following qualifications:

- (a) Be a member, or have been a member, of an organized Michigan fire department within the last 5 years immediately prior to his or her application.
- (b) Possess a fire fighter I certification or successfully completed the previous phases I and II to instruct subjects within the fire fighter I course.
- (c) Possess a fire fighter II certification or successfully completed the previous 240-hour training course to instruct subjects within the fire fighter I and II courses.
- (d) Have a minimum of 3 years fire suppression experience.
- (e) Successfully complete the council approved educational methodology class.
- (2) An applicant who successfully meets the qualifications for probationary associate instructor shall apply pursuant to the procedure under R 29.409.
- (3) Upon approval of the application by the department, the probationary associate instructor shall do all of the following:
 - (a) Select an instructor I or II as a mentor to directly supervise and assist him or her with 12 hours of supervised teaching. The department shall provide a form to document the practice teaching hours. At the completion of 12 hours, the mentoring instructor shall use the form to recommend the approval or denial for the probationary associate instructor's certification. The mentor shall send the form to the department region coordinator.
 - (b) With the receipt of the approved form, the region coordinator shall arrange for the probationary associate instructor to be evaluated by department staff while instructing. A probationary associate instructor must receive 1 satisfactory evaluation of classroom lecture within 2 years of obtaining probationary status.
 - (c) After 12 hours of supervised lecture and a positive evaluation, the region coordinator shall notify the department of the successful completion of the probationary status of the

applicant. The period of time needed to accrue 12 supervised teaching hours must be completed within 2 years, but may be extended by the fire marshal or his or her designee for good cause due to circumstances beyond the control of the probationary associate instructor.

(d) An instructor I or II shall be present at the course and observe the instruction of a probationary associate instructor at all times. In cases of undue hardship, which may include, but are not limited to, unavailability of region coordinator, inclement weather, or circumstances outside of his or her control, the requirement of on-site supervision may be waived in writing by the region coordinator, upon written request of the course manager.

(4) An applicant for an associate instructor shall apply pursuant to the procedure under R 29.409, and meet all of the qualifications of a probationary associate instructor.

(5) An associate instructor who has successfully completed fire fighter I training may instruct any unit from the fire fighter I curriculum. An associate instructor who has successfully completed fire fighter I and II curriculum may instruct any unit from the fire fighter I and II curriculum in which he or she has shown competence.

R 29.408b Probationary instructor I; requirements.

Rule 8b. (1) An applicant for a probationary instructor I shall meet all of the following qualifications:

(a) Be a member, or have been a member, of an organized Michigan fire department within the last 5 years, or maintained active instruction status immediately prior to his or her application. An applicant shall maintain active instruction status by documentation of instruction hours on the department system maintenance on knowledge and education program.

(b) Possess a fire fighter I and II certification.

(c) Have a minimum of 5 years of experience in fire suppression at the time of application.

(d) Be certified at the level or course that he or she wishes to instruct and completed a minimum of fire fighter II certification for instruction.

(2) An applicant for instructor I who has not previously attained an associate instructor status shall serve a probationary instructor I status. A probationary instructor I shall only be authorized to instruct the courses approved at the associate instructor level.

(3) An applicant possessing a current Michigan teacher's certificate, a currently licensed ems/ic, or an individual certified as an instructor I through an internationally accredited fire service organization shall not be required to complete the council instructor I course and shall also be exempt from the probationary period.

(4) An applicant who is an associate instructor shall not be required to serve a probationary period.

(5) Within a 2-year period, a probationary instructor I shall do all of the following:

(a) Select a mentor instructor I or II to directly supervise and assist him or her with the teaching process. A probationary instructor I candidate shall complete 12 hours of direct supervised teaching with 6 hours being lecture and 6 hours being practical.

(b) The mentoring instructor shall document the practice and teaching hours on a form provided by the department. At the completion of 12 supervised hours, the mentoring instructor shall use the form to confirm the completion of the required instruction hours for the probationary instructor's certification as an instructor I. The mentoring instructor shall send the form to the region department coordinator for his or her review.

(c) With receipt of the form, the region coordinator shall arrange for the probationary instructor to be evaluated by department staff while the probationary instructor is instructing. A probationary instructor shall receive 1 satisfactory evaluation of classroom lecture within 2 years of obtaining probationary status.

(d) The period of time needed to accrue 12 supervised teaching hours must be completed within 2 years, but may be extended by the fire marshal or his or her designee for good cause due to circumstances beyond the control of the probationary instructor.

R 29.408c Instructor I; requirements.

Rule 8c. (1) An instructor I shall meet all of the following qualifications:

(a) NFPA instructor I classification specified in nfpa 1041, chapter 3, “Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410b.

(b) If not a certified instructor pursuant to R 29.408(e), have completed all requirements of a probationary instructor I, as required under R 29.408b.

(c) Be a member, or have been a member, of an organized Michigan fire department within the last 5 years, or maintained active instructor status immediately prior to his or her application. An applicant shall maintain active instructive status by documenting instruction hours on the department’s records management system operated by the department for purposes of maintaining records of approved fire fighters and instructors.

(d) Have 5 years of fire suppression experience.

(e) Completed an instructor I course, or the equivalent, meeting the requirements for requisite skills and knowledge of chapter 4 under instructor I, for nfpa 1041, “Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410b.

(2) An instructor I shall perform the duties listed in nfpa 1041, “Fire Service Instructor Professional Qualifications,” chapter 4, as adopted by reference in R 29.410.

(3) An instructor I is authorized to teach all courses that he or she has successfully completed unless a third party certification is required.

R 29.408d Instructor II; requirements.

(1) An applicant for instructor II shall meet the following qualifications:

(a) Have an NFPA instructor II classification under nfpa 1041, chapter 3, “Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410.

(b) Have 7 years of fire suppression experience.

(c) Have 160 hours of instructional experience in firefighting and emergency medical responder related materials. An applicant shall maintain active instructive status by documenting instruction hours on the department’s records management system operated by the department for purposes of maintaining records of approved fire fighters and instructors.

(d) Completed an instructor II course, or the equivalent, meeting the requirements for requisite skills and knowledge of chapter 5 under instructor II, nfpa 1041, “Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410b.

(e) Be a certified as a fire fighter II.

(f) Be certified as instructor I.

(2) An instructor II shall perform the duties listed in nfpa 1041, chapter 5, “Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410.

(3) An instructor II may perform the following:

- (a) Instruct any course approved by the council, unless a third-party certification is required.
- (b) Provide instruction of any newly adopted council courses to instructor I level instructors.
- (c) Schedule and conduct an instructor I certification course.
- (d) Serve as a mentor for instructor I candidates.

R 29.408e Certified instructors.

Rule 408e (1) An instructor who is approved by the department at the effective date of these rules as a certified instructor, according to qualifications established prior to 2010, shall maintain his or her status as a certified instructor.

(2) A certified instructor is an instructor who has demonstrated the knowledge and ability to coordinate other instructors, and who is capable of using a variety of teaching strategies to develop lesson plans and instructional aids based on a task analysis.

(3) A certified instructor may teach all courses he or she is qualified to instruct as of the effective date of these rules or that he or she has successfully completed unless a third-party certification is required.

R 29.408f Special instructor requirements.

Rule 408e. (1) An applicant for instructor may meet the qualifications through special training and experience if he or she is able to provide the following evidence:

- (a) The training or experience was obtained within the last 5 years.
- (b) The training or experience occurred within the United States, and is an acceptable training mechanism for certification in any of Michigan's neighboring states.
- (c) The training and experience is relevant to the training and experience required of Michigan instructors.

(2) If the applicant is not qualified as an instructor or an associate instructor under these rules, the applicant shall complete the educational methodology course approved by the council.

(3) If department staff is uncertain whether a particular special instructor's qualifications are sufficient to meet the requirements of this rule, staff may seek the advice of the council.

(4) An instructor approved due to special instructor requirements may instruct according to those training and experience mechanisms to the extent he or she is allowed to instruct under these rules.

R 29.409 ~~Instructor "B" certification.~~ Instructor application process.

Rule 9. (1) Each applicant for instructor shall submit his or her application to the department through the records management system operated by the department for purposes of maintaining records of approved fire fighters and instructors. The application shall be approved if it meets all the requirements under the statute and these rules, pursuant to the instructor level. A list of the approved applicants may be placed on the agenda of the next regular council meeting. ~~An applicant for instructor "B" certification shall demonstrate his ability to instruct by being evaluated in a teaching situation by a member of the council staff and receiving approval by that staff member.~~

(2) An applicant no longer active in fire service shall submit his or her application directly to the department through the records management system operated by the department

for purposes of maintaining records of approved fire fighters and instructors, and the applicant shall request the state fire marshal, or his or her designee, verify the applicant's previous fire department experience. The fire marshal may verify the applicant's experience through confirmation by the local fire department of employment or volunteer status. ~~An applicant shall submit to a staff member evidence that he possesses adequate knowledge of the subject or subjects he proposes to teach and the methodology necessary to communicate to a class.~~

(3) **All applicants and instructors shall keep a current home address, phone number, and active e-mail address registered with the department.** ~~An applicant shall be capable of teaching at least 1 subject approved by the council.~~

(4) ~~Upon receiving a favorable evaluation report regarding an applicant's teaching ability, the council shall issue a "B" certificate.~~

R 29.410 Instructor "A" certification. Adoption by reference.

Rule 10. The following standards of the national fire protection association, nfpa, are adopted by reference in these rules. Copies of the adopted standards are available for inspection and distribution at the office of the Bureau of Fire Services, Michigan Department of Licensing and Regulatory Affairs, 3101 Technology Boulevard, Suite H, Lansing, MI 48910, or from the National Fire Protection Association, 1 Battery Park, P.O. Box 9101 Quincy, MA 02269-9101, telephone number 1-800-344-3555. The cost of each standard at the time of the adoption of these rules is included with the title of each standard.

(a) NFPA 1001, "Standard for Fire Fighter Professional Qualifications," 2013 edition, chapters 1, 4, 5, and 6, at cost of \$ 44.50 each.

(b) NFPA 1041, "Standard for Fire Service Instructor Professional Qualifications," 2012 edition, at cost of \$ 38.50 each.

~~(1) An applicant for an instructor "A" certification shall be certified as an instructor "B" and shall be qualified to teach the entire basic fire fighter's course.~~

~~(2) An applicant shall successfully complete a council approved course, not less than 40 hours in length, in teaching methodology.~~

~~(3) An applicant shall presently be in the fire service and shall have a minimum of 5 years of fire fighting experience.~~

~~(4) An applicant for an instructor "A" certification shall be evaluated in a teaching situation while conducting a class in 1 or more subjects not in the basic fire fighter's curriculum.~~

~~(5) Upon receiving a favorable evaluation report regarding the applicant's teaching ability, the council shall issue an "A" certificate to the applicant.~~

~~(6) The holder of an "A" certificate shall be considered qualified to teach any council-approved course.~~

~~(7) In place of subrules (1), (2), and (3), an applicant may be tested by council staff personnel using an examination and criteria approved by the council and shall achieve a minimum passing score of not less than 70%.~~

R 29.411 Participation at council meetings. Recognition of training conducted by certified instructors; exceptions.

Rule 11. Council meetings shall be conducted in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to MCL 15.275. ~~The council shall recognize all training~~

~~conducted by a certified instructor, except for justifiable reasons, including, but not limited to, any of the following:~~

- ~~–(a) Inability to convey the subject matter of training to the trainee or trainees.~~
- ~~–(b) Intoxication, or being under the influence of a controlled substance while teaching.~~
- ~~–(c) Failure to instruct as the lesson plan indicates.~~
- ~~–(d) Failure to comply with instructions given by the coordinator. These instructions shall be in writing and based on the policies and procedures established by the council.~~
- ~~–(e) Teaching a subject not approved by the council.~~
- ~~–(f) Conviction of a felony or a high misdemeanor.~~

R 29.412—Retention of certification by instructor. Rescinded.

~~Rule 12. (1) An instructor shall retain certification if he teaches council approved courses in some manner for not less than 24 clock hours in a continuous 24 month period.~~

~~–(2) If training is in classes other than in council sponsored schools, the training may be reported to the council, on forms provided by the council, not less than every 6 months.~~

~~–(3) If an instructor fails to comply with subrule (1) of this rule, the instructor may be recertified by the council only after the council receives a favorable evaluation report regarding the applicant. The instructor shall be evaluated within 90 days of the council meeting in which this action is taken.~~

~~–(4) Special provision may exist which allows for a continual certification of instructors in the department of natural resources, department of state police, fire marshal division, and public utilities.~~

R 29.413 Training schools Regional training centers; facilities; separations; approval.

Rule 13. (1) An applicant shall establish a regional training center (rtc) in a strategic location to serve the greatest number of fire departments that are unable to support their own training program. To establish a regional training center, an applicant shall do all of the following:

(a) Establish an advisory committee which includes the manager of training from the department staff, and may include any county training committee chairpersons from the counties that will be served by the rtc.

(b) Complete an application provided by the department.

(c) Complete a needs survey which establishes the fire department training needs of the area and describes how the rtc plans to fulfill those needs. Collect any correspondence of support for the need of the new rtc.

(d) Have and be able to maintain the capability to conduct fire fighter I and II courses and examinations.

(e) Work with the department in training technology development.

(2) An applicant shall submit the completed application and supporting documentation to the department region coordinator assigned to his or her area who shall do both of the following:

(a) Contact rtc's that border the proposed rtc for information regarding the need and effect of a new rtc.

(b) Submit the application, supporting documentation, and a report to the department on the effect a new rtc will have on existing programs.

(3) If the application meets the requirement of subrules (1) and (2) of this rule, the state fire marshal and the department manager of training shall approve the application. A list of approved rtc's may be placed on the agenda of the next regular council meeting.

(4) An rtc shall keep contact information for the center and advisory board membership current with the department.

(5) The rtc shall perform all of the following on an annual basis:

(a) Maintain capability to conduct fire fighter I and II courses and examinations.

(b) Comply with all department rules.

(c) Cooperate with the department in training technology development.

(d) Submit a report to the state fire marshal annually on December 1 for the previous year October 1 to September 30. The fire marshal shall submit a copy of each report to the fire fighters training council for review at the next scheduled meeting for purposes of completing the report required under section 7 of the fire fighters training council act, 1966 PA 261, MCL 29.367. The annual report by rtc shall include all of the following:

(i) The training activity from the previous year.

(ii) The use of approved county funds.

(iii) The budget and expenses from the previous year.

(iv) The rtc training plan for the upcoming year.

(6) The state fire marshal shall authorize a regional training center to conduct the following courses or other council-approved courses:

(a) Vehicle extrication.

(b) Advanced vehicle stabilization.

(c) Elevator training.

(d) Introduction to wild land firefighting.

(e) National incident management system: incident command system for the fire service.

(f) Clandestine drug lab awareness.

(g) Building construction for fire suppression forces: principles, wood and ordinary construction.

(h) Drivers training, classroom portion. ~~(1) An fire fighter training school rtc shall have available rooms and facilities in order to efficiently carry out its program of instruction.~~

~~(2) If separations are required in the program of instruction, drill areas, apparatus, equipment, and supportive services shall be available.~~

~~(3) A training school may be approved by the executive secretary upon the recommendation of a coordinator. The council reserves the right to overrule the decision of the executive secretary.~~

R 29.414 ~~Recognition of training given by other states.~~ **Regional training centers; courses.**

Rule 14. (1) The minimum class size for training at a regional training center is 15 students. Exceptions may be granted by the manager of training or state fire marshal upon recommendation of department staff, with the approval of the manager of training or state fire marshal.

(2) The maximum class size at a regional training center is 35 students. Department staff may approve larger classes if special circumstances exist and adequate staffing is provided.

(3) Students shall be at least 18 years of age on the date of the scheduled examination. Exceptions to the requirement in this subrule shall be made for individuals sponsored by a fire department cadet program, a fire department boy or girl scouts of America explorer

program or a high school training program that is affiliated with a fire department pursuant to section 2 of the firefighter training programs act, 2011 PA 153, MCL 29.332. Participants in these programs must be 16 or 17 years old, and may be 18 years old if still attending high school as a full-time student. All requests for the program exception shall be sent to the department staff in writing from the fire chief of the sponsoring fire department.

(4) The following individuals may participate in council-approved training and testing programs:

(a) Pre-service students who are enrolled in a council-approved course at an rtc, pursuant to an agreement with a college or university under section 10 of the act, MCL 29.370.

(b) Fire department cadets, department instructors, training coordinators who are retired members of a fire department, council members, and full-time department staff.

(c) Explorer scouts and students of a fire department affiliated high school program pursuant to section 2 of the firefighter training programs act, 2011 PA 153, MCL 29.332.

(5) Fire department cadets, explorer scouts and fire department affiliated high school students may participate only in fire fighter I, fire fighter II, fire fighter I and II, first responder operations, and incident command system courses.

~~(1) The council may recognize training given to trainees by agencies of other states, if all of the following conditions are satisfied:~~

~~-(a) The training is in a state authorized or approved course.~~

~~-(b) The training is given by a state authorized instructor.~~

~~-(c) The state agency supervises the instruction.~~

~~-(d) The instruction is based on manuals available from the international fire service training association or equivalent training materials.~~

~~-(e) A lesson plan for each subject is available to all participating states for examination and review.~~

~~-(f) A copy of the training record of the individual is forwarded to the office of the state fire fighter training agency of the state where the person has applied for recognition. The record shall reveal the subjects, dates of training, and number of hours of training in each category. The requests for the record shall be made by the individual to the agency in the state that the individual is leaving, and the transcript shall be sent directly from that office to the fire fighter training agency of the state the person is entering.~~

~~-(2) The presentation of records exchanged pursuant to subrule (1) shall not automatically result in certification by this state. Each case shall be considered individually and the person in question may be required to demonstrate manual skills and to submit to a written or oral examination given by a staff member of the council. An explanation of the manual skills performed and a copy of the written or oral examination shall be approved by the executive secretary.~~

~~R 29.415—Driver requirements. Online training courses.~~

~~Rule 15 (1) The state fire marshal, with the approval of the council, may endorse the implementation of online learning courses.~~

~~(2) An online course must be sponsored by a regional training center at a Michigan department of education accredited institution of higher learning. The regional training center at the institute of higher learning shall be responsible for faculty training and online delivery support for faculty and students.~~

(a) The initial delivery of an online training course shall be a pilot program and pre-approved by the council. Department staff may proctor the pilot program in order to provide an evaluation.

(b) All online training shall consist of the following:

(i) A written exam.

(ii) The same learning objectives as a face-to-face training format.

(iii) A maximum student-to-instructor ratio of 20 students to 1 instructor.

(iv) Post evaluations for a pilot course by the students, instructor, and department staff.

(c) Upon positive evaluations by the department staff, instructor and a majority of the students, the state fire marshal shall approve the course.

~~–(1) Subrules (2) to (4) of this rule set forth the minimum basic driver requirements for members of legally organized fire departments to be certified by the council in lieu of the endorsement required by section 312e of Act No. 300 of the Public Acts of 1949, as amended, being S257.312e of the Michigan Compiled Laws. Continuing education is necessary, and it is the responsibility of local fire department officials to constantly train their personnel in equipment and environmental changes. These requirements do not limit the extent of training required by the administration of a local department.~~

~~–(2) A driver shall have a valid operator's or chauffeur's license pursuant to Act No. 300 of the Public Acts of 1949, as amended, being S257.1 et seq. of the Michigan Compiled Laws.~~

~~–(3) A driver shall have satisfactorily completed the approved driver certification course as established by the council.~~

~~–(4) Pending full compliance with driver certification requirements, provisional, temporary authority to drive is granted until July 1, 1981.~~

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
FIRE FIGHTERS TRAINING COUNCIL GENERAL RULES
July 25, 2016
1:00 P.M.
RULE SET # 2011 – 004 LR**

The Department of Licensing and Regulatory Affairs will hold a public hearing on Monday, July 25, 2016, starting at 1:00 p.m. at 3101 Technology Blvd, Suite H, Lansing, MI, in Conference Room B.

The public hearing is being held to receive comments on proposed rules amendments to the Fire Fighters Training Council Rules. These rules are required under the Fire Fighters Training Council Act of 1966 (Public Act (PA) 291 of 1966). Section 9 of the Act (MCL 29.369) requires the Council to prepare and publish advisory standards of physical, education, mental and moral fitness to govern the recruitment, selections and appointment of fire fighters, and for the approval of fire fighter training schools. Section 16 of the Act (MCL 29.376) requires the Council to adopt rules. The Fire Fighters Training Council rules have not been updated since 1980. PA 291 of 1966 has been amended several times since these rules were first promulgated and the current rule set does not reflect the requirements in the current statute as amended. The proposed rule set will bring the rule set up to date with current law.

These rules are being promulgated by authority conferred on the Fire Fighters Training Council by Section 16 of PA 291 of 1966, MCL 29.376 and Executive Order Reorganization No. 2003-1, MCL 445.2011. The rules will take effect immediately upon filing with the Secretary of State.

Comments on the proposed rules may be presented in person at the public hearing. Written comments may be submitted at the time of presentation and will also be accepted until 5:00 p.m. on July 25th, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Fire Services – Fire Fighters Training Council Rules Public Hearing
P.O. Box 30700, Lansing, MI 48909-8170
Attention: Julie Secontine, State Fire Marshal E-mail address: SecontineJ@michigan.gov

A copy of the proposed rules may be obtained by contacting the Bureau at 517-241-8847 or at hookerb@michigan.gov. Electronic copies may be obtained on the Bureau's website at www.michigan.gov/bfs or at the following link http://w3.lara.state.mi.us/orr/Files/ORR/966_2011-004LR_orr-draft.pdf

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate individuals with disabilities and accessible parking is available. An individual who requires accommodations in order to participate in a hearing should call BreeAnn Hooker, at (517) 241-8847, to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance of the public hearing.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH LICENSING AND
REGULATORY AFFAIRS**

PUBLIC SERVICE COMMISSION

**BILLING PRACTICES APPLICABLE TO NON-RESIDENTIAL ELECTRIC AND GAS
CUSTOMERS**

Proposed March 22, 2016

Filed with the Secretary of State on

These rules take effect 7 days after filing with the Secretary of State.

(By authority conferred on the public service commission by **section 7 of 1909 PA 106**, section 2 of 1909 PA 300, section 5 of 1919 PA 419, ~~and sections 4 and 6 of 1939 PA 3, sections 3, 9, and 231 of 1965 PA 380, MCL 460.557(6), MCL 460.55, MCL 460.4, MCL 460.6, and MCL 462.2(12), MCL 16.103, MCL 16.109, and MCL 16.331.~~)

R 460.1601, R 460.1602, R 460.1603, R 460.1604, R 460.1605, R 460.1606, R 460.1607, R 460.1608, R 460.1609, R 460.1610, R 460.1611, R 460.1612, R 460.1613, R 460.1614, R 460.1615, R 460.1616, R 460.1617, R 460.1618, R 460.1619, R 460.1620, R 460.1621, R 460.1622, R 460.1623, R 460.1624, R 460.1625, R 460.1626, R 460.1628, R 460.1629, R 460.1630, R 460.1631, R 460.1632, R 460.1633, R 460.1634, R 460.1635, R 460.1636, R 460.1637, R 460.1638, R 460.1639, R 460.1640 of the Michigan Administrative Code are rescinded.

PART 1. GENERAL PROVISIONS

~~R 460.1601—Applicability; purpose.~~ **Rescinded.**

~~—Rule 1. (1) These rules apply to non-residential retail service provided by electric and gas utilities subject to the jurisdiction of the commission.~~

~~—(2) These rules are intended to promote safe and adequate service to the public and to provide standards for uniform and reasonable practices by electric and gas utilities in dealing with non-residential customers.~~

~~—(3) These rules do not relieve a utility from any of its duties under the laws of the state of Michigan.~~

~~R 460.1602—Definitions.~~ **Rescinded.**

~~Rule 2. As used in these rules:~~

~~—(a) "Actual meter reading" means a gas or electric meter reading that is based on the customer's actual energy use during the period reported and that was performed by a company representative, by the customer and communicated to the company by mail, telephone, fax, a secure company website, or other reasonable means, or that was transmitted by an automated meter reading device.~~

- ~~—(b) "Applicant" means a person over the age of 18 or a business entity requesting non-residential retail utility gas or electric service in the name of that person or entity.~~
- ~~—(c) "Billing error" means an undercharge or overcharge caused by any of the following:~~
 - ~~—(i) An incorrect actual meter read by a company representative.~~
 - ~~—(ii) An incorrect remote meter read.~~
 - ~~—(iii) An incorrect meter constant or pressure factor.~~
 - ~~—(iv) An incorrect calculation of the applicable rate.~~
 - ~~—(v) A meter switched by a utility or utility representative.~~
 - ~~—(vi) An incorrect application of the rate schedule.~~
 - ~~—(vii) Other similar act or omission by the utility in determining the amount of a customer's bill. An undercharge or overcharge that is caused by a non-registering meter, a metering inaccuracy, or the use of an estimated meter read or a customer read is not a billing error.~~
- ~~—(d) "Commission" means the Michigan public service commission.~~
- ~~—(e) "Complaint determination" means the written decision of a hearing officer after an informal hearing.~~
- ~~—(f) "Customer" means a purchaser of electricity or natural gas that is supplied or distributed by a utility for non-residential purposes, including service to schools and centrally metered apartment buildings.~~
- ~~—(g) "Existing customer" means a customer who has been receiving service continuously for at least the last 6 months.~~
- ~~—(h) "Hearing officer" means a notary public who is qualified to administer oaths to conduct informal small commercial customer complaint hearings against the utility company and who is on a list on file with the commission.~~
- ~~—(i) "Informal appeal" means an appeal of a complaint determination of a hearing officer made to the commission staff.~~
- ~~—(j) "Informal hearing" means a dispute resolution process for small commercial customers that is administered by a hearing officer.~~
- ~~—(k) "Meter" means a device that measures the quantity of gas used by a customer, including a device that measures the heat content of gas or a device that measures and registers the amount of electrical power used.~~
- ~~—(l) "Positive identification information" means a consistently used appropriate identification including, but not limited to:~~
 - ~~—(i) A driver's license or ID card issued by a state, U.S. military card, military dependent's ID card, native American tribal document, or passport.~~
 - ~~—(ii) Articles of incorporation, tax identification documents, business license, certificate of authority, or similar documents proving identity of a business.~~
- ~~—(m) "Regulation officer" means a member of the commission staff who resolves complaints in accordance with these rules.~~
- ~~—(n) "Settlement agreement" means a documented agreement that is entered into by a customer and a utility and that resolves any matter in dispute or provides for the payment of amounts not in dispute over a reasonable period of time.~~
- ~~—(o) "Small commercial customer" means a non-residential customer with usage of 200 Mef of gas or less per year or 15,000 kWh of electric usage or less per year.~~
- ~~—(p) "Space heating season" means the period from November 1 through March 31.~~
- ~~—(q) "Unauthorized use of utility service" means theft, fraud, interference, or diversion of service, including but not limited to, meter tampering (for example, any act which affects the proper registration of service through a meter), bypassing (for example, unmetered~~

~~service that flows through a device connected between a service line and customer facilities), and service restoration by anyone other than the utility or its representative.~~
~~—(r) "Utility" means a person, firm, corporation, cooperative, association, or other legal entity that is subject to the jurisdiction of the commission and that distributes or sells electricity or natural gas for non-residential use.~~

R 460.1603—Discrimination prohibited. Rescinded.

~~Rule 3. A utility shall not discriminate against or penalize a customer for exercising any right granted by these rules.~~

R 460.1604—Form of proceedings. Rescinded.

~~Rule 4. The informal procedures required by these rules shall not constitute a contested case as defined by section 3 of 1969 PA 306, MCL 24.203.~~

R 460.1605—Additional rules. Rescinded.

~~Rule 5. A utility may adopt additional rules governing relations with its customers that are reasonable and necessary and that are consistent with these rules. The utility's rules shall be an integral part of its tariffs and shall be subject to approval by the commission. If there is a conflict between these rules and a utility's rules or tariffs, these rules govern.~~

PART 2. APPLICATION FOR SERVICE

R 460.1606—Application for new service. Rescinded.

~~Rule 6. Applicants for service may become new customers by requesting service in person at the utility company office, in writing, via telephone, fax, internet or other means of communication. Using any of these methods, an applicant shall do all of the following:~~

- ~~—(a) Provide positive identification information.~~
- ~~—(b) Show ownership or a lease for the property where service will be rendered.~~
- ~~—(c) Pay a deposit as a new customer, if applicable.~~

PART 3. GENERAL CUSTOMER DEPOSIT CONDITIONS

R 460.1607—Customer deposits. Rescinded.

~~Rule 7. (1) Except as provided in this subrule, a utility shall not require a deposit from a new customer as a condition of receiving service. A utility may require a deposit from a new customer if the customer has an unfavorable credit rating with a credit reporting agency, an unpaid delinquent bill for utility service, or has engaged in unauthorized use of utility service within the last 6 years.~~

~~—(2) A utility may require a deposit from an existing customer if 2 or more final disconnect notices have been issued within the most recent 12-month period, service has been discontinued for nonpayment, the customer has engaged in unauthorized use of utility electric or gas service, or the customer exhibited an unsatisfactory record of bill payment within the first 6 months after service commenced.~~

- ~~—(3) A deposit for small commercial customers shall not be more than 15% of the customer's annual electric or gas bill. All other non-residential customers may be required to pay a deposit equal to 25% of the customer's annual electric or gas bill. The deposit required as a condition of providing, restoring, or continuing service due to unauthorized use of utility service shall not be more than 4 times the average peak season monthly bill, or 4 times the utility's system average peak season monthly bill for the same class of service if the customer's consumption history for the service is unavailable.~~
- ~~—(4) A deposit may be retained by the utility until the customer compiles a record of 12 continuous months of bill payment on or before the due date.~~
- ~~—(5) Interest shall be paid on deposits at a rate of 7% per annum.~~
- ~~—(6) If service is terminated, the utility may apply the deposit, plus accrued interest, to the customer's unpaid balance. If the deposit plus accrued interest is more than the unpaid balance, then the utility shall return the excess to the customer.~~
- ~~—(7) Each utility shall keep records that show all of the following information:~~
 - ~~—(a) The name and address of each depositor.~~
 - ~~—(b) The amount and date of the deposit.~~
 - ~~—(c) Each transaction concerning the deposit.~~
- ~~—(8) Each utility shall issue a receipt of deposit to each customer from whom a deposit is received and shall provide means whereby a depositor may establish a claim if the receipt is lost.~~
- ~~—(9) The utility shall make reasonable efforts to locate customers due unclaimed deposits and credits.~~
- ~~—(10) Each utility shall, within 60 days of the effective date of this rule, transmit a notice explaining the conditions under which a deposit may be required to all existing customers. This notice shall also be provided to new customers within 30 days after service has commenced or, at the utility's option, with the first bill rendered.~~
- ~~—(11) During the space heating season a small commercial customer shall not pay a deposit unless that customer has been shut off for nonpayment during the prior 12 months or where unauthorized use of utility service has occurred. A customer deposit under this subrule may not exceed the customer's average monthly bill.~~
- ~~—(12) The utility may, at its option, accept an irrevocable financial institution letter of credit, a surety bond, or other corporate guarantee instead of a deposit.~~

PART 4. METER READING, ESTIMATED BILLS, BILLING ADJUSTMENTS, VOLUNTARY TERMINATION, AND METER RELOCATION

R 460.1608—Meter reading interval and estimated bills. **Rescinded.**

Rule 8. (1) Except as specified in this rule, a utility shall provide all non-residential customers with an actual monthly meter read. The utility may permit a customer to supply meter readings on a form furnished by the utility, on a secure company website, by telephone, or by other reasonable means if an employee of the utility reads the meter at least once each 12 months. A bill that is rendered on an estimated basis shall be clearly and conspicuously identified as such. Estimated bills shall not be rendered unless estimating procedures have been approved by the commission. If a utility cannot obtain an actual meter reading, then the utility shall

~~maintain records of the efforts made to obtain an actual meter reading and its reasons for failure to obtain an actual meter reading.~~

~~—(2) A utility may render estimated bills to seasonally billed customers in accordance with the tariffs approved by the commission.~~

~~—(3) Except for seasonally billed customers, bills may be estimated only if the utility representative is unable to gain access to the meter or meter reading equipment failure occurs. If a meter reading equipment failure occurs, the equipment shall be promptly replaced or repaired so that not more than 2 estimated bills are necessary.~~

~~—(4) If the utility estimates a customer's bill for 2 or more consecutive months, notwithstanding the provisions of subrules (1) and (3) of this rule, when an actual read is obtained the utility shall offer small commercial customers the opportunity to pay the bill in equal monthly payments over the same number of months as consecutively estimated bills.~~

~~—(5) An estimated bill generated because the actual read is outside the range for the premise usage shall not be issued in consecutive months. If the utility is actively engaged in resolving the problem, then an additional 30 days is permitted to correct the problem and obtain an actual meter reading.~~

R 460.1609—Metering inaccuracies; billing adjustments. Rescinded.

~~Rule 9. If any utility meters are determined to be inaccurate as described in the Technical Standards for Gas Service, R 460.2301 to 460.2384, or Technical Standards for Electric Service, R 460.3101 to 460.3804, then a utility shall make customer billing adjustments in accordance with these rules.~~

R 460.1610—Voluntary termination. Rescinded.

~~Rule 10. (1) A utility customer or authorized representative shall do all of the following:~~

~~—(a) Notify the utility in person, or by telephone, in writing, by fax or on the internet at least 10 business days prior to requested service termination.~~

~~—(b) Allow access to the utility, if necessary, to perform a final meter read.~~

~~—(c) Provide an address for final billing at the time of request for a final read.~~

~~—(2) The utility shall do both of the following:~~

~~—(a) Provide a final actual meter reading within 10 business days of the request for termination or estimate the final read and offer the customer the option to provide an actual read. If the meter is not read within the 10-day time frame, then the utility must document the reason for no actual reading. A meter read shall be obtained by the next normal reading cycle.~~

~~—(b) Schedule the customer's final read within a 4-hour time frame if the utility cannot access the meter.~~

R 460.1611—Meter or facilities relocation charge. Rescinded.

~~Rule 11. (1) A utility may assess a relocation charge in any of the following situations:~~

~~—(a) The utility shut off service by disconnection at the street or pole because the utility could not obtain access to the meter or utility facilities.~~

~~—(b) The customer or its agent refused to permit the utility access to the meter or utility facilities on 2 separate occasions or on a single occasion if harm is threatened, and the utility can produce documentation of requests for access and/or requests for the customer to perform a meter reading that were refused.~~

- ~~—(c) The utility shut off service due to unauthorized use of utility service or the customer acknowledges personal responsibility and the utility bills the customer for unauthorized use of utility service.~~
- ~~—(d) The customer requests that the utility relocate the meter or other utility facilities.~~
- ~~—(2) If the utility moves the meter or facilities for reasons other than the reasons in subrule (1) of this rule, and the customer wants the meter or facilities placed in a different location than that selected by the utility, then the customer shall pay any additional costs.~~

PART 5. BILLING AND PAYMENTS

R 460.1612—Cycle billing. **Rescinded.**

~~Rule 12. A utility may use cycle billing if each customer receives a bill on or about the same day of each billing month. If a utility changes meter reading routes or schedules by more than 7 days, it shall provide notice to affected customers at least 10 days before making the change.~~

R 460.1613—Billing information. **Rescinded.**

~~Rule 13. (1) The utility shall bill each customer promptly after reading the meter. The bill shall show all of the following information:~~

- ~~—(a) The beginning and ending meter readings of the billing period and the dates thereof.~~
- ~~—(b) The due date.~~
- ~~—(c) The number and kind of units metered.~~
- ~~—(d) The applicable rate schedule or identification of the applicable rate schedule. If the actual rates are not shown, then the bill shall carry a statement to the effect that the applicable rate schedule will be furnished on request.~~
- ~~—(e) The gross amount or net amount of the bill, or both, including any applicable tax shown separately from the net amount.~~
- ~~—(f) The date by which the customer must pay the bill to benefit from any discount or to avoid any penalty.~~
- ~~—(g) A distinct marking to identify an estimated bill.~~
- ~~—(h) Any conversions from meter reading units to billing units, any calculations to determine billing units from recording or other devices, or any other factors, such as power supply cost recovery adjustments, used in determining the bill.~~
- ~~—(i) The address and telephone number of the utility designating where the customer may initiate an inquiry or complaint regarding the bill as rendered or the service provided by the utility.~~
- ~~—(2) In place of the billing information in subrule (1)(h) of this rule, a statement may appear on the bill advising the customer that the information can be obtained by contacting the utility. Any multiplier used to determine billing units shall be shown when used.~~
- ~~—(3) If the billing period differs from the meter reading cycle and the reading data is calculated from actual metered data, then the actual meter reading shall be shown on the bill.~~

R 460.1614—Discounts and late payment charges. **Rescinded.**

~~Rule 14. Where provided in an approved rate schedule, a utility may grant a discount for prompt payment of a bill or may include a late payment charge for failure to make prompt payment. Unless the utility's tariff states otherwise, a late payment charge of not more than~~

~~2%, not compounded, may be applied to the unpaid balance outstanding, net of taxes, if the bill is not paid in full on or before the date on which the bill is due.~~

R 460.1615–Delivery and payment of bills. Rescinded.

~~Rule 15. A bill shall be mailed, transmitted, or delivered to the customer not less than 21 days before the due date. Failure to receive a bill properly mailed, transmitted, or delivered by the utility does not extend the due date. If the day on which the bill is due falls on Saturday, Sunday, or a holiday, then the bill shall be due on the next business day. Customer remittances postmarked on the due date shall be considered to have been timely paid. If the postmark is illegible, the date of mailing shall be designated as 2 days before receipt by the utility.~~

R 460.1616–Billing for unregulated service. Rescinded.

~~Rule 16. A utility may include charges for unregulated services with charges for utility service on the same monthly bill if the charges for the unregulated services are designated clearly and separately from the charges for electric or gas service. If partial payment is made, and if no designation of the payment is given by the customer, then the utility shall first credit all payments to the balance outstanding for utility service.~~

R 460.1617–Billing errors. Rescinded.

~~—Rule 17. (1) If a customer has been overcharged, then the utility shall refund or credit the amount of the paid overcharge to the customer. Overcharges shall be credited to customers with 7% interest, commencing on the 60th day following payment. A utility is not required to adjust, refund, or credit an overcharge beyond the 3 year period immediately preceding discovery of the billing error, unless the customer is able to present a record establishing an earlier date of occurrence or commencement of the error.~~

~~—(2) In cases of unauthorized use of utility service the customer may be back billed for the amount of the undercharge. The back bill may include interest at the same 7% interest rate applied to overcharges.~~

~~—(3) In cases not involving unauthorized use of utility service, the customer may be back billed for the amount of the undercharge during the 12 month period immediately preceding discovery of the error. The utility shall offer the customer at least the same number of months for repayment equal to the time of the error. The back bill shall not include interest.~~

PART 6. CUSTOMER RELATIONS AND UTILITY PROCEDURES

R 460.1618–Selection of rate, customer information, and service. Rescinded.

~~Rule 18. Each utility shall do all of the following:~~

~~—(a) Maintain information necessary to advise the customer or prospective customers and others entitled to the information about the facilities available to serve prospective customers in the utility's service area.~~

~~—(b) Assist the customer in selecting the most economical rate schedule based on information supplied by the customer; however, selection of the appropriate rate is the responsibility of the customer. Once the selection is made, the customer shall stay on that rate not less than 12~~

~~months unless the customer notifies the utility of permanent changes in the conditions of service that warrant a different rate schedule.~~

~~—(c) Notify customers affected by a proposed change in rates or schedule classification by publishing a notice in newspapers of general circulation in the utility's service area, by giving notice to customers individually, or as otherwise required by the commission.~~

~~—(d) Post suitable signs in conspicuous locations at all bill payment offices that are operated by the utility indicating that the rules, regulations, rate schedules, proposed rate schedules, explanations of rate schedules, and explanations of proposed rate schedules are on file and available for inspection. Upon request, a utility shall provide 1 copy of the rules, explanations, or schedules to a customer without charge.~~

~~—(e) Upon request, inform the utility's customers as to the method of reading meters.~~

~~—(f) Furnish any reasonable additional information.~~

R 460.1619—Inspection. Rescinded.

~~Rule 19. A utility shall permit authorized staff of the commission to inspect all of the utility's operations that relate to customer service.~~

R 460.1620—Customer access to consumption data. Rescinded.

~~Rule 20. A utility shall provide to each customer, upon request, a clear and concise statement of the customer's actual energy usage, or weather adjusted consumption data, for each billing period during the last 12 months, unless that data is not reasonably ascertainable by the utility. A utility shall notify its customers at least once each year in writing, or by whatever method is used to transmit the customers' bills, that a customer may request consumption data.~~

R 460.1621—Servicing utility equipment on customer's premises. Rescinded.

~~Rule 21. Each utility shall service and maintain its equipment used on a customer's premises and shall correctly set and keep in proper adjustment any devices that control the customer's service in accordance with the utility's rate schedules.~~

R 460.1622—Customer complaints; investigation; records. Rescinded.

~~Rule 22. The utility shall promptly and thoroughly investigate customer complaints concerning the charges, practices, facilities, or services of the utility. The utility shall keep records of customer complaints that will enable the utility to review and analyze its procedures and actions. The records shall be available to the commission.~~

R 460.1623—Records and reports. Rescinded.

~~Rule 23. Upon request by the commission or its designated representative, records which are required by these rules or which are necessary for the administration of these rules shall be available within the state of Michigan for examination by the commission or its designated representative.~~

PART 7. SHUTOFFS AND RESTORATION

R 460.1624—Notice of shutoff. Rescinded.

~~Rule 24. (1) Not less than 10 days before the proposed shutoff of service to a non-residential facility, the utility shall send a notice to the customer that includes the following information:~~

- ~~—(a) A clear and concise reason for the proposed shutoff of service.~~
- ~~—(b) The date on or after which the utility may shut off service unless the customer takes appropriate action.~~
- ~~—(2) Not less than 10 days before the proposed shutoff of service to a non-residential facility that is occupied by more than 5 business entities that are not responsible for payment of the bill, a utility shall make a reasonable attempt to notify each occupant that service may be subject to shutoff after a specified date.~~

R 460.1625—Denial or shutoff of service to customers. Rescinded.

~~Rule 25. (1) Service to non-residential customers may be denied or shut off for any of the following reasons:~~

- ~~—(a) Without notice, if a condition on the customer's premises is determined by the utility or a governmental agency to be hazardous.~~
- ~~—(b) Without notice, if a customer uses equipment in a manner that adversely affects the utility's equipment or the utility's service to others.~~
- ~~—(c) Without notice, for unauthorized use of utility service.~~
- ~~—(d) Without notice, if unauthorized use of the equipment furnished and owned by the utility occurs, including obtaining the use of equipment by submitting an application containing false information.~~
- ~~—(e) For violation of, or noncompliance with, the utility's rules on file with, and approved by, the commission.~~
- ~~—(f) For failure of the customer to fulfill his or her contractual obligations for service or facilities that are subject to regulation by the commission.~~
- ~~—(g) For failure of the customer to permit the utility reasonable access to the utility's equipment.~~
- ~~—(h) For failure of the customer to provide the utility with a deposit as authorized by these rules.~~
- ~~—(i) For nonpayment of a delinquent account for electric or gas service.~~
- ~~—(j) For nonpayment of unpaid balances on any other non-residential account incurred by the customer under a different account name by the customer's predecessor in interest, or by any other entity, the debt of which the customer is legally obligated to assume.~~
- ~~—(2) Service to non-residential customers may not be denied for the following reasons:~~
- ~~—(a) Delinquency in payment for service by a previous occupant of the premises to be served.~~
- ~~—(b) Failure to pay for items such as merchandise, appliances, or services that are not approved by the commission as an integral part of the electric or gas service provided by the utility.~~
- ~~—(c) Failure to pay for a different type or class of utility service.~~
- ~~—(d) Failure to pay the bill of another customer as guarantor.~~
- ~~—(3) Service shall not be shut off during a reasonable time period given to a customer to pay the amount of a back billing as provided in these rules.~~
- ~~—(4) If a shutoff or termination of service to a non-residential customer occurs, then a utility may transfer an unpaid balance to any other non-residential account of the customer.~~

R 460.1626—Manner of shutoff for service provided with remote shutoff and restoration capability. Rescinded.

~~Rule 26. (1) For an involuntary shutoff of service using remote shutoff and restoration capability, at least 1 day before shutoff of service, the utility shall make at least 2 attempts to contact the customer by telephone, if a telephone number is available to the utility, to advise the~~

~~customer of the pending shutoff and what steps the customer must take to avoid shutoff. The utility shall either document all attempts to contact the customer or shall document that automated procedures are in place that will make at least 2 attempts to contact the customer by telephone. If the telephone number is not available, the customer has no telephone, or the telephone contacts are not made, then the utility shall either leave a notice at the premises advising the customer that service will be shutoff on or after the next business day or send notice by first-class mail postmarked at least 5 business days before shutoff of service is scheduled. The notice shall conspicuously state that the disconnection of service will be done remotely and that a utility representative will not return to the premises before disconnection.~~

~~—(2) The utility shall document all attempts to contact the customer.~~

~~—(3) If the utility contacts the customer or other responsible person at the customer's premises by telephone on the day service is to be shut off, the utility shall inform the customer or other responsible person that shutoff of service is imminent and the steps that are necessary to avoid shutoff. Unless the customer presents evidence that reasonably demonstrates that the claim is satisfied or is in dispute, or the customer makes payment, the utility may shut off service.~~

~~—(4) If the utility mailed the notice of shutoff to the customer as provided in subrule (1) of this rule, and if telephone contact with the customer cannot be made, then no further customer contact is required on the day service is to be shut off and the utility may shut off service.~~

PART 8. DISPUTED CLAIMS, HEARINGS AND SETTLEMENT AGREEMENTS

R 460.1628–Disputed claim. **Rescinded.**

~~Rule 28. (1) If a customer advises a utility, before the date of the proposed shutoff of service, that all or part of a bill is in dispute, then the utility shall do all of the following:~~

~~—(a) Immediately record the date, time, and place the customer made the complaint and transmit verification to the customer.~~

~~—(b) Investigate the dispute promptly and completely.~~

~~—(c) Advise the customer of the results of the investigation.~~

~~—(d) Attempt to resolve the dispute informally in a manner that is satisfactory to both parties.~~

~~—(e) Provide the opportunity for the customer to settle the disputed claim or to satisfy any liability that is not in dispute.~~

~~—(2) A customer may advise a utility that a claim is in dispute in any reasonable manner, such as by written notice, in person, or by a telephone call directed to the utility.~~

~~—(3) A utility, in attempting to resolve the dispute, may employ telephone communication, personal meetings, on-site visits, or any other technique that is reasonably conducive to obtaining a settlement.~~

R 460.1629–Settlement agreement. **Rescinded.**

~~Rule 29. (1) If the utility and a small commercial customer arrive at a mutually satisfactory settlement of any claim in dispute, or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, a utility shall offer the customer an opportunity to enter into a settlement agreement.~~

~~—(2) The utility shall confirm the terms of the settlement agreement with the customer and shall send a copy of the settlement to the customer or the customer's authorized representative. The utility shall retain documentation of the original settlement agreement for 2 years. In case of a dispute over the terms of a settlement agreement, the utility shall have the burden of proving that the customer understood and accepted the terms of the settlement agreement.~~

~~—(3) Every settlement agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.~~

R 460.1630—Default of settlement agreement. Rescinded.

~~—Rule 30. (1) If a small commercial customer fails to comply with the terms and conditions of a settlement agreement, a utility may discontinue service after notifying the customer, in writing, by personal service or first class mail, of all of the following:~~

~~—(a) That the customer is in default of the settlement agreement.~~

~~—(b) The nature of the default.~~

~~—(c) That unless full payment of the claim is made within 10 days of mailing of the notice, the utility will discontinue service.~~

~~—(d) The date upon which service is scheduled to be discontinued.~~

~~—(2) A utility is not required to enter into any subsequent settlement agreement with a customer until the customer has fully complied with the terms of any previous settlement agreement.~~

~~—(3) A utility is not required to enter into any subsequent settlement agreement with a customer who has defaulted upon the terms and conditions of a previous agreement.~~

~~—(4) If a settlement agreement is reached following a notice of discontinuance, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days after the agreement is made constitutes a waiver of the notice required by subrule (1) of this rule. However, before discontinuance, a utility shall comply with the notice requirements of these rules.~~

R 460.1631—Informal hearing and hearing officers. Rescinded.

~~Rule 31. (1) If the parties are unable to resolve the dispute, then the utility shall offer small commercial customers the opportunity for an informal hearing before a hearing officer selected from a list of hearing officers previously filed with the commission.~~

~~—(2) If the customer chooses to have an informal hearing, then the customer shall do both of the following:~~

~~—(a) Notify the utility within 5 business days of acceptance of the utility offer for an informal hearing.~~

~~—(b) Pay the amount not in dispute, or, if the utility and customer cannot agree, pay 50% of the disputed amount.~~

~~—(3) When the customer notifies the utility of the intent to pursue an informal hearing the utility shall do all of the following:~~

~~—(a) Complete the necessary investigation.~~

~~—(b) Schedule the hearing within 10 business days of the customer's request for a hearing.~~

~~—(c) Hold the hearing within 30 business days of the customer's request for a hearing.~~

- ~~—(4) If the customer fails to pay the part of the bill that is determined under subrule (2)(b) of this rule within 10 business days of the date that the utility sends the hearing notice, then the utility may exercise its right to shut off service pursuant to these rules.~~
- ~~—(5) A utility shall select hearing officers on the basis of all of the following:~~
- ~~—(a) They are on the list of hearing officers filed with the commission.~~
- ~~—(b) They are notaries public qualified to administer oaths.~~
- ~~—(c) They are not engaged in any other activities for or on behalf of the utility.~~
- ~~—(6) If the dispute is ultimately resolved in favor of the customer, in whole or in part, then the utility shall return promptly any excess amount paid by the customer, with interest at the rate specified in these rules.~~

R 460.1632—Notice of hearing. Rescinded.

- ~~Rule 32. (1) The utility shall personally serve the customer with written notice of the time, date, and place of the hearing on the day scheduling is determined.~~
- ~~—(2) The notice shall describe the hearing procedures as contained in these rules.~~
 - ~~—(3) The notice shall include the amount of the required payment and due date of 10 business days from the date of the notice.~~

R 460.1633—Hearing procedures. Rescinded.

~~Rule 33. (1) A utility shall establish hearing procedures that ensure the impartiality and integrity of the hearing process and that provide the customer and the utility with all of the following:~~

- ~~(a) The right to represent themselves or to be assisted by persons of their choice who are not attorneys.~~
- ~~—(b) The right to examine, not less than 2 business days before a scheduled hearing, a list of all witnesses who will testify and all documents, records, files, account data, and similar material that may be relevant to the issues to be raised at the hearing.~~
- ~~—(c) The right to present evidence, testimony, and oral and written argument.~~
- ~~—(d) The right to question witnesses appearing on behalf of the other party.~~
- ~~—(2) A hearing shall be held during normal business hours. A utility shall take reasonable steps to ensure that a customer who is unable to attend a hearing due to physical incapacity is not denied the right to a hearing. Failure of the customer, or the utility, to attend the hearing without good reason, or without having requested an adjournment, constitutes a waiver of that party's right to the hearing.~~
- ~~—(3) The utility has the burden of proof by a preponderance of the evidence.~~
- ~~—(4) All witnesses who appear for either party shall testify under oath.~~
- ~~—(5) A hearing shall be informal and the proceedings need not be recorded or transcribed. All relevant evidence shall be received and the formal rules of evidence shall not apply.~~
- ~~—(6) For each hearing where the customer has not put his or her position in writing, the hearing officer shall compile a record that contains all of the following:~~
- ~~—(a) A concise statement, in writing, of the position of the utility.~~
- ~~—(b) A concise statement, in writing, of the position of the customer.~~
- ~~—(c) Copies of all evidence submitted by the parties.~~
- ~~—(7) At the conclusion of the hearing, the hearing officer may orally state his or her findings and decision, or adjourn the hearing and inform the parties that the decision will be transmitted within 7 business days. At the request of the customer, the hearing officer shall adjourn the hearing and transmit the decision within 7 business days. In all cases, the hearing officer~~

~~shall issue a complaint determination in a form that is approved by the commission. The complaint determination shall contain both of the following:~~

- ~~—(a) A concise summary of the evidence and arguments presented by the parties.~~
- ~~—(b) The decision, and the reasons for the decision, based solely upon the evidence received.~~
- ~~—(8) At the conclusion of the hearing and again upon issuance of the complaint determination, the hearing officer shall advise the customer and the utility of all of the following:~~
 - ~~—(a) That each party has the right to make an informal appeal to the commission staff, by mail, telephone, internet, fax, or in person, within 7 business days of issuance of the complaint determination.~~
 - ~~—(b) That, if appealed, the decision of the hearing officer, including a finding that service may be shut off, cannot be implemented until a review by the commission staff is completed.~~
 - ~~—(c) The address and telephone number where the customer or the utility may make an informal appeal to the commission staff.~~
- ~~—(9) Before issuance of a complaint determination, the hearing officer may propose a settlement to the parties. If both parties accept the settlement, it shall be put in writing and signed by both parties.~~
- ~~—(10) Within 7 business days of the conclusion of the hearing, the hearing officer shall serve the parties with all of the following:~~
 - ~~(a) A copy of the complaint determination.~~
 - ~~—(b) Appeal information as provided in subrule (8) of this rule.~~
 - ~~—(c) If applicable, a copy of the signed settlement agreement as provided in subrule (9) of this rule.~~
- ~~—(11) The complaint determination and a copy of the signed settlement agreement, if any, shall be made part of the hearing record. The hearing officer shall certify the hearing record.~~
- ~~—(12) The complaint determination is binding upon the parties, unless appealed, as provided in these rules.~~
- ~~—(13) A utility's hearing procedures shall be subject to investigation and review by the commission.~~

R 460.1634 Informal appeal procedures. Rescinded.

~~Rule 34. (1) The commission staff shall assign the informal appeal to a regulation officer or another employee of the commission as the commission may designate. The officer or designated employee shall do all of the following:~~

- ~~—(a) Advise the appealing party of the procedures of the commission by telephone or in writing.~~
- ~~—(b) Advise the other party that an informal appeal has been filed.~~
- ~~—(c) Issue interim determinations as necessary.~~
- ~~—(d) Review or investigate the appeal as provided in these rules.~~
- ~~—(e) Issue an informal appeal decision.~~
- ~~—(2) Upon notification by the commission staff that an informal appeal has been made, the utility shall promptly file, with the commission staff, the certified hearing record. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record. In arriving at the informal appeal decision, the regulation officer or designated employee shall not be required to receive or consider any additional evidence or information.~~
- ~~—(3) In all informal appeals, the utility has the burden of proof by a preponderance of the evidence.~~

R 460.1635–Interim determination. Rescinded.

~~—Rule 35. (1) After receiving the hearing record and pending the final resolution of an informal appeal, the regulation officer or designated employee may issue an interim determination with appropriate terms and conditions. In the case of an appeal regarding a bill or deposit, the regulation officer or designated employee may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the shutoff of service as provided in these rules. The regulation officer or designated employee may consider the amounts that reasonably appear to reflect the cost of utility service in determining the undisputed portion of a claim.~~

~~(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing of the interim determination by first class mail, then the utility may shut off service as provided in these rules.~~

R 460.1636–Appeal review. Rescinded.

~~Rule 36. The regulation officer or designated employee shall review the informal appeal thoroughly and, when necessary, conduct further investigation. A party may offer new evidence if the regulation officer or designated employee determines that it is relevant. When further investigation is necessary, the regulation officer or designated employee may request additional evidence or, at his or her own initiative, may hold an informal appeal conference with the parties or their representatives at a time and place designated by the officer or employee. If either party fails to appear at the informal conference without a good reason or without having requested an adjournment, then the right of the absent party to appear at the conference shall be waived. At an informal appeal conference, the parties may do all of the following:~~

- ~~—(a) Represent themselves or be assisted by persons of their choice who are not attorneys.~~
- ~~—(b) Offer oral and documentary evidence, which may be considered at the discretion of the regulation officer.~~
- ~~—(c) Refute, in a reasonable manner, the evidence of the other party.~~
- ~~—(d) Submit an oral or written statement of position.~~

R 460.1637–Shutoff pending decision. Rescinded.

~~Rule 37. A utility shall not shut off service or issue a notice of shutoff related to the matter in dispute pending the decision of the commission staff, except pursuant to the terms of an interim determination.~~

R 460.1638–Informal appeal decision. Rescinded.

~~Rule 38. The regulation officer or other employee so designated by the commission shall, within 30 days after the utility files the certified record, issue a written informal appeal decision affirming, modifying, or reversing the informal hearing determination. In reversing or modifying the informal hearing determination, the decision shall set forth the terms and conditions for continued service, shutoff, or a proposed settlement agreement, as required by the facts and circumstances. The decision shall state the relevant findings of fact, the reasons for the decision, and remedies for failure to comply with the informal appeal decision. A copy of the informal appeal decision shall be served personally or by first class mail on the parties.~~

~~R 460.1639—Failure to comply with informal appeal decision.~~ **Rescinded.**

~~Rule 39. Failure of either party to comply with the decision within 10 days from the date of service by mailing shall permit implementation of the action or remedy provided by the decision.~~

~~R 460.1640—Scope of rules.~~ **Rescinded.**

~~Rule 40. (1) Nothing contained in these rules covering billing practices applicable to non-residential electric and gas customers should be implemented in a manner that circumvents or is inconsistent with these rules, commission orders, or utility tariffs approved by the commission to ensure the safe and reliable delivery of energy service.~~

~~—(2) After notice and an opportunity to be heard, utilities determined by the commission to be in violation of these rules shall be subject to all damages and fines contained within the statutes under which these rules are promulgated.~~

~~—(3) Upon written request of a person, utility, or on its own motion, the commission may temporarily waive any requirements of these rules when it determines the waiver will further the effective and efficient administration of these rules and is in the public interest.~~

NOTICE OF PUBLIC HEARING

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
REGARDING THE PROMULGATION OF ADMINISTRATIVE RULES
GOVERNING CONSUMER STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL
AND NONRESIDENTIAL ELECTRIC AND GAS SERVICE
CASE NO. U-18120; ORR #2014-038LR and #2014-037LR**

- The Michigan Public Service Commission is considering the promulgation of amended rules governing consumer standards and billing practices for residential and nonresidential electric and gas service, to be located at R 460.101 to R 460.169. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed rules.
- The information below describes how a person may participate in this case.
- You may contact the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909, (800) 292-9555 for a free copy of the proposed rules. Any person may review the rules on the Commission's E-Docket Website at michigan.gov/mpscedockets. The rules will be published in the August 15, 2016 issue of the Michigan Register under ORR #2014-037 LR and #2014-038 LR, and may be accessed at the ORR website, <http://w3.lara.state.mi.us/orr/Rules.aspx?type=dept&id=LR>, under "Recent and Pending Rule Changes."
- The public hearing will be held:

DATE: September 22, 2016

TIME: 9:00 a.m.

LOCATION: 7109 W. Saginaw Hwy.
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. People needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 at least a week in advance to request mobility, visual, hearing or other assistance.

This is a proposal to adopt rules governing consumer standards and billing practices for residential and nonresidential electric and gas service. The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed rules. The public hearing will continue until all parties

present have had a reasonable opportunity to present statements regarding the proposed rules. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on October 13, 2016. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to mpscedockets@michigan.gov. If you require assistance, contact Commission staff at (517) 284-8090 or by e-mail at mpscedockets@michigan.gov. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure. All comments should reference Case No. U-18120. Please do not include information you wish to remain private.

Jurisdiction is pursuant to section 7 of 1909 PA 106, section 2 of 1909 PA 300, section 5 of 1919 PA 419, sections 4 and 6 of 1939 PA 3, and sections 3, 9, and 231 of 1965 PA 380, MCL 460.557, MCL 460.55, MCL 460.4, MCL 460.6, MCL 462.2(12), MCL 16.103, MCL 16.109, and MCL 16.331.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ~~LABOR AND ECONOMIC GROWTH~~
LICENSING AND REGULATORY AFFAIRS**

PUBLIC SERVICE COMMISSION

CONSUMER STANDARDS AND BILLING PRACTICES

FOR ELECTRIC AND NATURAL GAS ~~RESIDENTIAL~~ SERVICE

Proposed June 2, 2016

Filed with the Secretary of State on

These rules take effect 7 days after filing with the Secretary of State.

(By authority conferred on the public service commission by section 7 of 1909 PA 106, **section 2 of 1909 PA 300**, section 5 of 1919 PA 419, sections 4 and 6 of 1939 PA 3, and sections 3, 9, and 231 of 1965 PA 380, MCL 460.557, MCL 460.55, MCL 460.4, **MCL 460.6, MCL 462.2(12)**, MCL 16.103, MCL 16.109, ~~and MCL 16.331~~, **and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.**)

R 460.101, R 460.102, R 460.106, R 460.107, R 460.108, R 460.109, R 460.110, R 460.111, R 460.112, R 460.113, R 460.114, R 460.115, R 460.116, R 460.117, R 460.118, R 460.119, R 460.120, R 460.121, R 460.122, R 460.123, R 460.124, R 460.125, R 460.126, R 460.127, R 460.128, R 460.129, R 460.130, R 460.131, R 460.132, R 460.133, R 460.134, R 460.137, R 460.138, R 460.139, R 460.140, R 460.141, R 460.142, R 460.143, R 460.144, R 460.145, R 460.146, R 460.147, R 460.148, R 460.149, R 460.150, R 460.151, R 460.152, R 460.153, R 460.154, R 460.155, R 460.156, R 460.157, R 460.158, R 460.159, R 460.160, R 460.161, R 460.162, R 460.163, R 460.164, R 460.165, R 460.166, R 460.167, R 460.168, and R 460.169 of the Michigan Administrative Code are amended, R 460.135 is rescinded, and R 460.101a, R 460.102a, R 460.102b, R 460.111a, R 460.126a, R 460.126b are added as follows:

R 460.101 ~~Application of rules.~~ Applicability; purpose.

Rule 1. (1) These rules apply to ~~residential~~ utility service that is provided by electric and natural gas utilities that are subject to the jurisdiction of the public service commission.

(2) **These rules are intended to promote safe and adequate service to the public and to provide standards for uniform and reasonable practices by electric and natural gas utilities in dealing with residential and nonresidential customers.**

(3) **These rules do not relieve a utility from any of its duties under the laws of this state.**

R 460.101a Scope of rules.

Rule 1a. (1) **Nothing contained in these rules covering consumer standards and billing practices shall be implemented in a manner that circumvents or is inconsistent with utility**

rules, orders, or tariffs approved by the commission to ensure the safe and reliable delivery of energy service.

(2) After notice and an opportunity to be heard, utilities determined by the commission to be in violation of these rules shall be subject to all damages and fines contained within the statutes under which these rules are promulgated.

(3) Upon written request of a person, utility, or on its own motion, the commission may temporarily waive any requirements of these rules when it determines the waiver will further the effective and efficient administration of these rules and is in the public interest.

R 460.102 ~~Definitions.~~ **Definitions; A to F.**

Rule 2. As used in these rules:

~~(a) "Actual meter reading" means a gas or electric meter reading that is based on the customer's actual energy use during the period reported and that was performed by a utility representative, by the customer and communicated to the company by mail, telephone, fax, on a secure company website, or other reasonable means, or that was transmitted to the utility by an automated or remote meter reading device.~~

~~(b) "Applicant" means an emancipated minor or a person 18 years of age or older requesting residential utility service in person at the utility company office, in writing, by telephone or fax machine, through the internet, or any other form of communication that allows the applicant to provide the information required by the utility company.~~

~~(c) "Billing error" means an undercharge or overcharge that is caused by any of the following:~~

~~(i) An incorrect actual meter read by a company representative.~~

~~(ii) An incorrect remote meter read.~~

~~(iii) An incorrect meter constant.~~

~~(iv) An incorrect calculation of the applicable rate.~~

~~(v) A meter switched by the utility or a utility representative.~~

~~(vi) An incorrect application of the rate schedule.~~

~~(vii) Another similar act or omission by the utility in determining the amount of a customer's bill. An undercharge or overcharge that is caused by a non-registering meter, a meter error, or the use of an estimated meter read or a customer read is not a billing error.~~

~~(d) "Billing month" means a natural gas or electric consumption period of not less than 26 or more than 35 days.~~

~~(e) "Billing specialist" means a representative of a utility who investigates and resolves meter reading discrepancies or errors.~~

~~(f) "Charges for tariff service" means the rates for regulated electric and gas service and other charges approved by the commission.~~

~~(g) "Collection charge" means a commission approved charge assessed for the costs associated with sending an employee or agent to a residence to collect a past due payment in lieu of shutoff of service.~~

~~(h) "Commission" means the Michigan public service commission.~~

~~(i) "Complaint determination" means the written decision of a hearing officer after an informal hearing.~~

~~(j) "Critical care customer" means any customer who requires, or has a household member that requires home medical equipment or a life support system, and who has provided appropriate documentation from a physician or medical facility to the utility identifying the~~

~~medical equipment or life support system and certifying that an interruption of service would be immediately life threatening.~~

~~(k) "Customer" means a purchaser of electricity or natural gas that is supplied or distributed by a utility for residential purposes.~~

~~(l) "Cycle billing" means a system that renders bills for utility service to various customers on different days of a calendar month.~~

~~(m) "Delinquent account" means an account with charges for utility service that remains unpaid at least 5 days after the due date.~~

~~(n) "Eligible low income customer" means a utility customer whose household income does not exceed 150% of the federal poverty guidelines as published by the United States department of health and human services or who receives any of the following:~~

~~(i) Supplemental security income or low income assistance through the department of human services or successor agency.~~

~~(ii) Food stamps.~~

~~(iii) Medicaid.~~

~~(o) "Eligible military customer" means a utility customer, spouse of a customer, or customer whose spouse is in the military who meets all of the following:~~

~~(i) Is on full-time active duty.~~

~~(ii) Is deployed overseas in response to a declared war or undeclared hostilities or is deployed within the United States in response to a declared national or state emergency and the household income is reduced as a result.~~

~~(iii) Notifies the utility of his or her eligibility.~~

~~(iv) Provides verification of eligibility if requested by the utility.~~

~~(p) "Eligible senior citizen customer" means a utility customer who meets all of the following criteria:~~

~~(i) Is 65 years of age or older.~~

~~(ii) Advises the utility of his or her eligibility.~~

~~(q) "Energy assistance program" means a program that provides financial assistance or assistance in improving residential energy efficiency and energy conservation.~~

~~(r) "Energy usage" means the consumption of electricity or natural gas.~~

~~(s) "Estimated bill" means a bill for service at the premises that is not based on an actual meter reading for the period being billed but that is based on calculations of how much gas or electricity a customer used during the billing period.~~

~~(t) "Formal hearing request" means a document describing how a regulated utility has violated a customer's rights or these rules that is presented in writing to the executive secretary of the commission to initiate an administrative process in accordance with the rules of practice and procedure before the commission, R 460.17101 et. seq.~~

~~(u) "Gas cost recovery" means the adjustment in rates to recognize the cost of purchased gas.~~

~~(v) "Hearing officer" means a notary public who is qualified to administer oaths to conduct informal customer complaint hearings against the utility company and who is on a list filed with the commission.~~

~~(w) "In dispute" means that a matter is the subject of an unresolved disagreement, claim, or complaint against a utility by a customer, or the customer's authorized agent.~~

~~(x) "Informal appeal" means an appeal of a complaint determination of a hearing officer to the commission staff.~~

~~(y) "Informal appeal decision" means the written decision of the regulation officer in regard to an informal appeal.~~

~~(z) "Informal complaint" means a matter that requires follow-up action or investigation by the utility or the commission to resolve the matter without a formal hearing.~~

~~(aa) "Inquiry" means a question regarding a utility matter that is asked by the customer and answered by the utility or the commission.~~

~~(bb) "Late payment charge" means a finance, service, carrying, or penalty charge that is assessed by a utility because a bill or portion of a bill is delinquent.~~

~~(cc) "Medical emergency" means an existing medical condition of the customer or a member of the customer's household, as defined and certified by a physician or public health official on official stationary or company-provided form, that will be aggravated by the lack of utility service.~~

~~(dd) "Meter error" means a failure to accurately measure and record all of the natural gas or electrical quantities used that are required by the applicable rate or rates.~~

~~(ee) "New customer" means a customer who has not received the utility's service within the previous 6 years.~~

~~(ff) "Peak season" means the months of November, December, January, February and March for natural gas service or electric space heating and June, July and August for other electric service.~~

~~(gg) "Positive identification information" means a consistently used appropriate identification such as, but not limited to, a driver's license or ID card issued by a state, U.S. military card or military dependent's ID card, Native American tribal document, or passport.~~

~~(hh) "Power supply cost recovery" means the adjustment in rates to recognize the cost of purchased power and fuel for electric generation.~~

~~(ii) "Previous customer" means a customer who has received the utility's service within the previous 6 years but is not currently receiving service.~~

~~(jj) "Regulation officer" means a member of the commission staff who resolves complaints in accordance with these rules.~~

~~(kk) "Remote shutoff or restoration capability" means the ability to terminate or restore service to a premises from another location.~~

~~(ll) "Residential service or use" means the provision or use of electricity or natural gas for residential purposes.~~

~~(mm) "Satisfactory payment history" means that a customer's account was not delinquent more than 1 time in the past 12 months.~~

~~(nn) "Seasonally billed customer" means a customer who is billed on a seasonal basis in accordance with a utility tariff that is approved by the commission.~~

~~(oo) "Settlement agreement" means a documented agreement that is entered into by a customer and a utility and that resolves any matter in dispute or provides for the payment of amounts not in dispute over a reasonable period of time.~~

~~(pp) "Shutoff of service" means a discontinuance of utility service that is not requested by a customer.~~

~~(qq) "Space heating season" means the period between November 1 and March 31.~~

~~(rr) "Termination of service" means a discontinuance of utility service that is requested by a customer.~~

~~(ss) "Unauthorized use of utility service" means theft, fraud, interference, or diversion of service, including but not limited to meter tampering (any act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between a service line and customer-owned facilities), and service restoration by anyone other than the utility or its representative.~~

~~(tt) "Utility" means a person, firm, corporation, cooperative, association, or other legal entity that is subject to the jurisdiction of the commission and that provides electric or gas service for residential use.~~

~~(uu) "Weather-adjusted consumption data" means a customer's monthly energy usage divided by the number of heating or cooling degree days for that month.~~

(a) "Actual meter reading" means a natural gas or electric meter reading that is based on the customer's actual energy use during the period reported and that complies with any of the following:

- (i) Performed by a utility representative.**
- (ii) Performed by the customer and communicated to the company by mail, telephone, fax, on a secure company website, or other reasonable means.**
- (iii) Transmitted to the utility from the meter through a secure communication channel, or by an automated or remote meter reading device.**

(b) "Aggregate data" means any customer account information from which all identifying information has been removed so that the individual data or information of a customer cannot be associated with that customer without extraordinary effort.

(c) "Applicant" means an emancipated minor, a person 18 years of age or older, or a business entity requesting utility electric or natural gas service in the name of that person or entity.

(d) "Billing error" means an undercharge or overcharge that is caused by any of the following:

- (i) An incorrect actual meter reading by a company representative.**
- (ii) An incorrect remote meter reading.**
- (iii) An incorrect meter constant or pressure factor.**
- (iv) An incorrect calculation of the applicable rate.**
- (v) A meter switched by the utility or a utility representative.**
- (vi) An incorrect application of the rate schedule.**
- (vii) Failure to provide a monthly bill to the customer at the end of a billing cycle except as provided in these rules or other relevant tariffs.**
- (viii) Another similar act or omission by the utility in determining the amount of a customer's bill. An undercharge or overcharge that is caused by a non-registering meter, a meter error, or the use of an estimated meter reading or a customer reading is not a billing error.**

(e) "Billing month" means a natural gas or electric consumption period of not less than 26 days or more than 35 days.

(f) "Billing specialist" means a representative of a utility who investigates and resolves meter reading discrepancies or errors.

(g) "Commission" means the Michigan public service commission.

(h) "Complaint determination" means the written decision of a hearing officer after a customer hearing.

(i) "Critical care customer" means any customer who requires, or has a household member who requires, home medical equipment or a life support system, and who has provided appropriate documentation from a physician or medical facility to the utility identifying the medical equipment or life support system and certifying that an interruption of service would be immediately life-threatening.

(j) "Customer" means an account holder who purchases electric or natural gas service from a utility. An individual who is a customer must be at least 18 years of age or an emancipated minor.

(k) "Cycle billing" means a system that renders bills for utility service to various customers on different days of a calendar month.

(l) "Delinquent account" means an account with charges for utility service that remains unpaid 5 days or more after the due date.

(m) "Eligible low-income customer" means a utility customer whose household income does not exceed 150% of the federal poverty guidelines as published by the United States department of health and human services or who receives any of the following:

(i) Supplemental security income or low-income assistance through the department of human services or successor agency.

(ii) Food stamps.

(iii) Medicaid.

(n) "Eligible military customer" means a utility customer, spouse of a customer, or customer whose spouse is in the military who meets all of the following:

(i) Is on full-time active duty.

(ii) Is deployed overseas in response to a declared war or undeclared hostilities or is deployed within the United States in response to a declared national or state emergency and the household income is reduced as a result.

(iii) Notifies the utility of his or her eligibility.

(iv) Provides verification of eligibility if requested by the utility.

(o) "Eligible senior citizen customer" means a utility customer who meets both of the following criteria:

(i) Is 65 years of age or older.

(ii) Advises the utility of his or her eligibility.

(p) "Energy assistance program" means a program that provides financial assistance or assistance in improving residential energy efficiency and energy conservation.

(q) "Energy usage" means the consumption of electricity or natural gas.

(r) "Estimated bill" means a bill for service at the premises that is not based on an actual meter reading for the period being billed but that is based on calculations of how much natural gas or electricity a customer likely used during the billing period.

(s) "Formal hearing" means a dispute resolution process administered by an administrative law judge pursuant to these rules, applicable tariffs, and the rules of practice and procedure before the commission, R 792.10101 to R 792.11903.

(t) "Formal hearing request" means a document describing how a regulated utility has violated these rules, a commission order, or a tariff that is presented in writing to the executive secretary of the commission to initiate an administrative process pursuant to the rules of practice and procedure before the commission.

R 460.102a Definitions; G to P.

Rule 2a. As used in these rules:

(a) "Gas cost recovery" means the adjustment in rates to recognize the cost of purchased natural gas.

(b) "Hearing officer" means a notary public who is qualified to administer oaths to conduct customer hearings against the utility company and who is on a list filed with the commission.

(c) "Heating season" means the period between November 1 and March 31.

(d) "In dispute" means that a matter is the subject of an unresolved disagreement, claim, or complaint against a utility by a customer, or the customer's authorized agent.

(e) "Informal complaint" means a matter that requires follow-up action or investigation by the utility or the commission to resolve the matter without a customer hearing or formal hearing.

(f) "Inquiry" means a question regarding a utility matter that is asked by the customer and answered by the utility or the commission.

(g) "Large nonresidential customer" means a nonresidential customer with usage of 300 Mcf or more of natural gas per year or 30,000 kWh or more of electric usage per year, including schools and centrally metered apartment buildings.

(h) "Late payment charge" means a finance, service, carrying, or penalty charge that is assessed by a utility because a bill or portion of a bill is delinquent.

(i) "Medical emergency" means an existing medical condition of the customer or a member of the customer's household, as defined and certified by a physician or public health official on official stationary or company-provided form, that will be aggravated by the lack of utility service.

(j) "Meter" means a utility-owned device that measures the quantity of natural gas used by a customer, including a device that measures the heat content of natural gas or a utility-owned device that measures and registers the amount of electrical power used.

(k) "Meter error" means a failure to accurately measure and record all of the natural gas or electrical quantities used that are required by the applicable rate or rates.

(l) "New customer" means a customer who has not received the utility's service within the previous 6 years.

(m) "Occupant" means an individual or entity, other than the customer of record, occupying a premises. An occupant who is an individual must be at least 18 years of age or an emancipated minor.

(n) "Peak season" means the period during which a utility experiences its maximum demand for electric or natural gas service.

(o) "Positive identification information" means a consistently used appropriate identification such as, but not limited to, any of the following:

(i) A driver's license, identification card issued by a state, U.S. military card, U.S. military dependent's identification card, Native American tribal document, passport, or other government-issued identification containing a photograph.

(ii) Articles of incorporation, tax identification documents, business license, certificate of authority, or similar documents proving identity of a business.

(p) "Power supply cost recovery" means the adjustment in rates to recognize the cost of purchased power and fuel for electric generation.

(q) "Previous customer" means a customer who has received the utility's service within the previous 6 years but is not currently receiving service.

(r) "Primary purpose" means the collection, use, or disclosure of information that a utility collects or a customer supplies when an authorized business need exists or as an emergency response requires in order to do any of the following:

(i) Provide, bill, or collect for regulated electric or natural gas service.

- (ii) Provide for system, grid, or operational needs.
- (iii) Provide services as state or federal law requires or as the utility's approved tariff specifically authorizes.
- (iv) Plan, implement, or evaluate programs, products, or services related to energy assistance, demand response, energy management, or energy efficiency.

R 460.102b Definitions; Q to Z.

Rule 2b. As used in these rules:

- (a) "Regulation officer" means a member of the commission staff who resolves complaints pursuant to these rules.
- (b) "Remote shutoff and restoration capability" means the ability to terminate or restore service to a premises from another location.
- (c) "Residential service or use" means the provision or use of electricity or natural gas for residential purposes.
- (d) "Satisfactory payment history" means that a customer's account was not delinquent more than 1 time in the past 12 months.
- (e) "Seasonally billed customer" means a customer who is billed on a seasonal basis pursuant to a utility tariff that is approved by the commission.
- (f) "Secondary purpose" means any purpose that is not a primary purpose.
- (g) "Settlement agreement" means a documented agreement that is entered into by a customer and a utility and that resolves any matter in dispute.
- (h) "Shutoff of service" means a discontinuance of utility service that is not requested by a customer.
- (i) "Small nonresidential customer" means a nonresidential customer with usage of less than 300 Mcf of natural gas per year or less than 30,000 kWh of electric usage per year, including schools and centrally metered apartment buildings.
- (j) "Termination of service" means a discontinuance of utility service that is requested by a customer or when there is no customer of record.
- (k) "Third party" means a person or entity that has no contractual relationship with the utility to perform services or act on behalf of the utility or customer.
- (l) "Unauthorized use of utility service" means theft, fraud, interference, or diversion of service, including but not limited to, meter tampering which is any act that affects the proper registration of service through a meter; by-passing which is unmetered service that flows through a device connected between a service line and customer-owned facilities; and, service restoration by anyone other than the utility or its representative.
- (m) "Utility" means a firm, corporation, cooperative, association, or other legal entity that is subject to the jurisdiction of the commission and that provides electric or gas service.

PART 2. APPLICATION FOR SERVICE

R 460.106 Service requests for new or previous customers.

Rule 6. (1) Applicants for service may become ~~new~~ customers by requesting service in person at the utility company office, in writing, by telephone, fax, or internet, or other means of communication. Using any of these methods, an applicant shall do ~~both~~ **all** of the following:

- (a) Provide positive identification information as defined in R 460.102~~a. of these rules.~~
- (b) ~~Pay a deposit, if required by R 460.109 or R 460.110.~~ **Upon request, show ownership or a lease for the property where service will be rendered if applying to be a nonresidential customer.**

(c) Pay a deposit, if required by these rules.

(2) The utility may also require payment of a delinquent account as a condition of providing or continuing service if the following conditions apply:

- (a) The delinquent account is in the customer's or applicant's name.
- (b) The delinquent account is not in dispute, owed to the utility, and accrued within the last 6 years. The utility shall provide the applicant with information on the process to refute or contest the delinquent account.

R 460.107 ~~Applicant information.~~ Residential service account requirements.

~~Rule 7. (1) A utility may request but shall not require anyone other than the applicant to assume responsibility for service. A utility shall permit more than 1 name on the application if requested by the customer and agreed to by the second party.~~ **(1) A utility, applicant, or customer may request the addition of more than 1 adult on the account by meeting both of the following requirements:**

(a) The utility obtains documented approval from both the applicant and additional adult.

(b) The additional adult provides positive identification information.

(2) If the applicant is renting the premises for which service is requested, a utility may require proof that the applicant is a tenant. Written or oral confirmation by the manager, landlord, or owner of the property, or a verified signed copy of the rental agreement is sufficient proof. ~~An applicant utility may verify a lease by submitting~~ **requesting** a lease agreement containing notarized signatures of the landlord and tenant or by ~~providing the utility with~~ obtaining contact information for the landlord.

(3) A utility may require proof of ownership if an applicant is requesting service for a premises he or she has purchased.

(4) An occupant shall establish an account with a utility within 30 business days of taking occupancy or ownership, whichever comes first, except where utility service is included in a lease.

(5) If a customer ceases to live in a residence while another occupant continues to live in the residence, both of the following requirements shall be met:

(a) The customer shall notify the utility pursuant to R 460.127 that he or she is discontinuing service.

(b) An occupant desiring to continue utility service at that address shall establish an account in his or her name within 30 days of the customer's notification of termination of service, or, if the customer fails to notify the utility, within 30 days of the date the customer ceases to reside at the address. A utility may hold an occupant who fails to establish an account under this subdivision responsible for the use of the utility service after the customer has ceased to reside at the residence. The utility shall not back bill the occupant for a period longer than 24 months from the date the customer terminated service, or, if

the customer has failed to notify the utility of the termination of service, from the date that the utility first discovered the customer's change in residency.

PART 3. DEPOSITS AND GUARANTEE TERMS AND CONDITIONS

R 460.108 Prohibited practices.

Rule 8. A utility shall not require a deposit or other guarantee as a condition of new or continued utility service based upon any of the following:

(a) Consumer credit score, if the customer or applicant has prior utility service credit history with any electric or gas ~~provider~~ **utility** during the previous 6 years.

(b) Income.

(c) Home ownership.

(d) Residence location.

(e) Race.

(f) Color.

(g) Creed.

(h) Sex.

(i) Age.

(j) National origin.

(k) Marital status.

(l) Familial status.

(m) Disability.

(n) Any other criteria not authorized by these rules.

R 460.109 Deposit for ~~new~~ **residential** customer.

Rule 9. (1) A utility may require a deposit as a condition of providing, **restoring, or continuing** service to an ~~new applicant or~~ customer if any of the following provisions apply:

(a) At the time of the request for service, the applicant ~~or customer~~ has **an unpaid balance for a delinquent bill with any** electric or **natural** gas ~~provider service~~ that accrued within the last 6 years and that remains unpaid and is not in dispute.

(b) The applicant ~~or customer~~ misrepresents his or her identity or credit standing.

(c) The applicant ~~or customer~~ fails to provide positive identification information upon request at the time of applying for new service.

(d) The applicant ~~or customer~~ requests service for a location at which he or she does not reside.

(e) The applicant ~~or customer~~ engaged in unauthorized use of utility service within the last 6 years, ~~provided that if~~ the finding of unauthorized use of utility service was made after notice and an opportunity for a hearing and is not in dispute.

(f) ~~Within the past 3 years, the applicant lived in a residence with a person who accrued a delinquent account for electric or gas service to the shared residence, during the time the applicant lived there, which remains unpaid and is not in dispute, and the person with the delinquent account now resides with the applicant. The utility shall advise the applicant of the process by which the applicant can refute this claim.~~ **The utility has had 1 or more checks issued from the customer's account returned from a financial institution for insufficient funds or no account or has had 1 or more payments from the customer's debit or credit card or other form of payment denied within the last 12 months, excluding financial institution error.**

(g) The **customer or** applicant has sought relief under federal bankruptcy laws within the last 6 years.

(h) **Within the past 3 years, the customer or applicant lived in a residence with a person under all of the following circumstances:**

(i) **The person accrued a delinquent account for electric or natural gas service to the shared residence during the time the customer or applicant lived there.**

(ii) **The delinquent account remains unpaid and is not in dispute.**

(iii) **The person with the delinquent account now resides with the applicant.**

(2) Notwithstanding any of the provisions of subrule (1) of this rule, a utility shall not require a deposit as a condition of providing service **or continuing service** to a ~~new~~ **current** customer if any of the following provisions apply:

(a) The department of **health and** human services or its successor agency is ~~responsible for~~ **currently making or has committed to making a payment or** payments to ~~a~~ **the** utility on behalf of the applicant.

(b) The applicant **or customer** secures a guarantor who is a customer in good standing with the utility.

(c) The applicant is 65 years of age or older and has a satisfactory payment history for the past 3 years with any **natural** gas or electric ~~provider~~ **utility**.

R 460.110 Deposit for a previous customer or for continued service Rescinded.

~~Rule 10. (1) A utility may require a deposit as a condition of providing or restoring service to a previous customer or continuing service to a current customer if any of the following provisions apply:~~

~~(a) At the time of the request for service, the customer or applicant has a prior service account that is delinquent, that accrued within the last 6 years, and that remains unpaid and is not in dispute or if litigation was required to obtain full payment of a utility account that was not in dispute.~~

~~(b) The customer or applicant misrepresents his or her identity or credit standing.~~

~~(c) The customer or applicant fails to provide positive identification information upon request at the time of applying for service.~~

~~(d) The customer or applicant engaged in unauthorized use of utility service within the last 6 years, if the finding of unauthorized use of utility service was made after notice and an opportunity for a hearing under these rules and is not in dispute.~~

~~(e) The utility has shut off service to the customer for nonpayment of a delinquent account that is not in dispute.~~

~~(f) The utility has had 1 or more checks issued from the customer's account returned from a financial institution for insufficient funds or no account or has had 1 or more payments from the customer's debit or credit card or other form of payment denied within the last 12 months, excluding financial institution error.~~

~~(g) The applicant has sought relief under federal bankruptcy laws within the last 6 years.~~

~~(h) Within the past 3 years, the applicant lived in a residence with a person who accrued a delinquent account for electric or gas service to the shared residence, during the time the applicant lived there, which remains unpaid and is not in dispute, and the person with the delinquent account now resides with the applicant. The utility shall advise the applicant of the process by which the applicant can refute this claim.~~

~~(2) Notwithstanding any of the provisions of subrule (1) of this rule, a utility shall not require a deposit as a condition of providing service to a previous customer or continuing service to a current customer if one of the following provisions applies:~~

~~(a) The department of human services or its successor agency is responsible for making payments to a utility on behalf of the applicant.~~

~~(b) The customer or applicant secures a guarantor who is a customer in good standing with the utility.~~

~~(c) The applicant is 65 years of age or older and has a satisfactory payment history with any gas or electric provider for the past 3 years.~~

R 460.111 General deposit conditions **for residential customers.**

Rule 11. (1) All of the following apply to payment of deposits:

(a) For a primary residence, a deposit that is required under these rules due to a prior outstanding account that is not in dispute or a shutoff for nonpayment shall not be more than twice the average monthly bill for the premises or, if the current customer's consumption history for the premises is unavailable, twice the utility's system average monthly bill for residential service.

(b) For seasonal properties, a deposit that is required under these rules due to a prior outstanding account that is not in dispute or a shutoff for nonpayment shall not be more than twice the average monthly bill for peak season usage.

(c) A utility shall offer an eligible low-income customer the option of paying a deposit required under these rules in 2 monthly installments.

(2) Whenever a utility requests a deposit because of an unpaid account incurred in another household member's name for a time when the customer and the other person shared a residence, as described in R 460.109(f) ~~or R 460.110(i)(h)~~, the utility shall provide the customer with notice of the reason for the request, the commission rule that allows the utility to make the request, and the process for refuting the action.

(3) A deposit that is required during the ~~space~~-heating season due to a ~~disconnect~~ **shutoff of service** for nonpayment within the past 12 months, shall not exceed the utility system average monthly **natural** gas bill for **natural** gas service or the utility system average monthly electric bill for electric service. If the customer receives **natural** gas and electric service from a combination utility, the deposit shall not exceed the total of the utility's combined system average monthly **natural** gas and electric bills.

(4) A deposit that is required as a condition of providing, restoring, or continuing service due to unauthorized use of utility service shall not be more than **either of the following:**

(a) Four times the average peak season monthly bill for the premises if the customer's consumption history for the premises is available.

(b) Four ~~4-times the average peak season monthly bill for the premises or 4 times the utility's system average peak season monthly bill for residential service if the customer's consumption history for the premises is unavailable.~~

(5) The utility may also require payment of the delinquent account and approved charges as a condition of providing, restoring, or continuing service if the account is in the customer's, or applicant's name, is delinquent, owed to the utility, and accrued within the last 6 years.

~~(5)~~**(6)** Unless the applicant misrepresents his or her identity or credit standing or fails to provide positive identification information, if requested, at the time of applying for service, the utility shall not assess a deposit if the customer has been ~~in~~ **receiving** service for 30 days or more.

~~(6)~~(7) Except in the case of unauthorized use of utility service, if the utility shuts off service for nonpayment, the utility shall not require a deposit as a condition of restoring service unless the utility offered the customer, prior to shutoff for nonpayment, the opportunity to enter into a ~~settlement agreement~~ **payment plan** as provided in Part 10 of these rules, **R 460.154 to R 460.159**.

~~(7)~~(8) A utility shall pay interest at the rate of ~~75~~**5**% per annum on all deposits. A utility shall credit interest semiannually to the service account of the customer or pay it upon the return of the deposit, whichever occurs first.

~~(8)~~(9) The customer's credit shall be established and the utility shall return the deposit and accrued interest upon satisfactory payment by the customer of all proper charges for utility service for a period of 12 consecutive months. A utility may retain the deposit assessed because of unauthorized use of utility service for a period of 36 months and shall refund the deposit upon satisfactory payment of the final 12 months' charges.

~~(9)~~(10) For purposes of this rule, payment is satisfactory if it is made before the issuance of a notice of shutoff of service for nonpayment that is not in dispute or within 5 days after the issuance of the next succeeding monthly bill, whichever is sooner.

~~(10)~~(11) For customers terminating service, if the utility has not already returned the deposit, the utility shall credit the deposit, with accrued interest, to the final bill. For customers continuing to receive service, a utility may apply the deposit against an existing arrearage that is not in dispute. The utility shall promptly return the balance to the customer.

~~(11)~~(12) A utility shall maintain a detailed record of all deposits received ~~from customers~~. The record shall show all of the following information:

- (a) The name **and address of the depositor and either the residential applicant or** customer.
- (b) The location of the premises occupied by the customer **served by the utility** at the time of making the deposit and each successive location while the deposit is retained.
- (c) The **amount and date the customer made of the deposit and the amount**.
- (d) The dates the utility paid interest and the amounts.
- (e) **Place of payment Each transaction concerning the deposit.**
- (f) **Name of the utility employee who received the deposit The terms and conditions governing the return of the deposit.**

~~(g) The terms and conditions governing the return of the deposit.~~

~~(12)~~(13) A utility shall provide the **applicant or** customer with a ~~written~~ receipt for the deposit and instructions regarding how a ~~customer~~ **person** who is entitled to the return of his or her deposit may obtain the deposit.

~~(13)~~(14) A utility shall make reasonable efforts to locate **applicants or** customers with unclaimed deposits or credits.

~~(14)~~(15) A utility shall apply deposit standards uniformly to all **applicants and** customers. A utility shall provide to any ~~customer~~ **person** who objects to paying a deposit information on the process to contest the deposit requirement.

R 460.111a General deposit conditions for nonresidential customers.

Rule 11a. (1) A utility may require a deposit from a customer or applicant as a condition of receiving or continuing service if 1 of the following conditions applies:

(a) The customer or applicant has an unfavorable credit rating with a credit reporting agency.

(b) The customer or applicant has an unpaid delinquent bill for natural gas or electric service.

(c) The customer or applicant has engaged in unauthorized use of utility service within the last 6 years.

(d) Two or more shutoff notices have been issued within the most recent 12-month period.

(e) Service has been discontinued for nonpayment.

(f) An unsatisfactory record of bill payment within the first 6 months after service commenced exists.

(2) If a deposit is required, all of the following limitations apply:

(a) A deposit for small nonresidential customers shall not be more than 15% of the customer's annual electric or natural gas bill.

(b) Large nonresidential customers may be required to pay a deposit equal to 25% of the customer's annual electric or natural gas bill.

(c) If a customer or applicant has engaged in unauthorized use of utility service, the deposit shall not be more than 4 times the average peak season monthly bill, or 4 times the utility's system average peak season monthly bill for the same class of service if the customer's consumption history for the service is unavailable.

(3) During the heating season, a small nonresidential customer shall not pay a deposit unless that customer has been shut off for nonpayment during the prior 12 months. A customer deposit under this subrule may not exceed the customer's average monthly bill.

(4) A utility may retain a deposit until the customer accrues a record of 12 continuous months of bill payment on or before the due date.

(5) A utility shall pay interest at the rate of 5% per annum on all deposits. A utility shall credit interest semiannually to the customer's service account or pay it upon the return of the deposit, whichever occurs first.

(6) If service is terminated, the utility may apply the deposit, plus accrued interest, to the customer's unpaid balance. If the deposit plus the accrued interest is more than the unpaid balance, then the utility shall return the excess to the customer.

(7) A utility shall maintain a detailed record of all deposits received. The record shall show all of the following information:

(a) The name and address of the depositor and applicant or customer.

(b) The location served by the utility at the time of making the deposit and each successive location while the deposit is retained.

(c) The amount and date of the deposit.

(d) The dates the utility paid interest and the amounts.

(e) Each transaction concerning the deposit.

(f) The terms and conditions governing the return of the deposit.

(8) A utility shall provide the customer or applicant with a receipt for the deposit and instructions regarding how a customer who is entitled to the return of the deposit may obtain it.

(9) The utility shall make reasonable efforts to locate customers due unclaimed deposits and credits.

(10) Each utility shall, within 60 days of the effective date of this rule, transmit a notice explaining the conditions under which a deposit may be required to all existing customers. This notice shall also be provided to new customers within 30 days after service has commenced or, at the utility's option, with the first bill rendered.

(11) The utility may, at its option, accept an irrevocable financial institution letter of credit, a surety bond, or other corporate guarantee instead of a deposit.

R 460.112 Guarantee terms and conditions **for residential customers.**

Rule 12. (1) A guarantee that is accepted in accordance with these rules shall be in writing and shall be in effect for not more than 36 months. The written guarantee shall state all of the terms of the guarantee and the maximum amount guaranteed. The utility shall not hold the guarantor liable for a greater amount, unless agreed to in a separate written guarantee.

(2) Notwithstanding the stated term of the guarantee, if longer than 12 months, the customer's credit shall be established and the utility shall release the guarantor upon satisfactory payment by the customer of all proper charges for utility service for a period of 12 consecutive months, unless the guarantee was required due to unauthorized use of utility service.

(3) A utility may require a guarantee because of unauthorized use of utility service for 36 months.

(4) For purposes of this rule, payment is satisfactory if it is made before the issuance of a notice of shutoff of service for nonpayment that is not in dispute or within 5 days after the issuance of the next succeeding monthly bill, whichever is sooner.

(5) A utility may withhold the release of a guarantor pending the resolution of a shutoff for nonpayment that is in dispute in accordance with these rules.

PART 4. METER READING PROCEDURES, METER ACCURACY, METER ERRORS
AND **METER**
RELOCATION

R 460.113 Actual and estimated meter reading.

Rule 13. (1) Except as specified in ~~this~~ **these** rules, a utility shall provide all ~~residential~~ customers with an actual ~~monthly~~ meter reading **each billing month** ~~as defined in R 460.102. A utility may estimate a meter reading only if an actual meter reading cannot be obtained by any reasonable or applicable method described in R 460.102. If a utility cannot obtain an actual meter reading, then the utility shall maintain records of the efforts made to obtain an actual meter reading and its reasons for failure to obtain an actual meter reading.~~

(2) ~~A utility may estimate customer bills only upon a finding by the commission that a utility's estimated bill procedures assure reasonable billing accuracy. A bill that is rendered on an estimated basis shall be clearly and conspicuously identified as such. Any substantive changes to a utility's billing estimation procedures shall be submitted to the commission.~~ **A utility shall outline in its tariff a process that addresses missing or invalid usage data affecting the amount billed to a customer and that ensures the amount billed during the billing period is appropriate.**

(3) ~~Notwithstanding the provisions of subrule (1) of this rule, a utility may render estimated bills to seasonally billed customers in accordance with tariffs approved by the commission.~~ **A utility may estimate a meter reading under any of the following circumstances:**

(a) **An actual meter reading cannot be obtained by any reasonable or applicable method described in R 460.102.**

(b) **An automated or remote meter reading device is not functioning and customer usage data cannot be retrieved.**

(c) **A utility meter reader does not have access to the meter.**

(d) There is a condition at the meter location that puts the meter reader's safety at risk. If the meter reader's safety is at risk, the utility shall notify the customer of all of the following information:

- (i) Safe access must be provided.**
- (ii) A customer has the option of reading the meter and submitting the actual meter reading to the utility pursuant to these rules.**
- (iii) A utility may install a remote meter, actual meter reading device, or other similar device that provides the utility with an actual meter reading.**
- (4) ~~If a utility estimates a customer's bill for 2 or more consecutive months, when an actual meter read is obtained the utility shall offer the customer the opportunity to pay the bill over the same number of months as consecutively estimated bills. This subrule shall not apply if the utility cannot obtain access to the meter and the customer fails to provide a meter reading if requested by the utility.~~ If a meter reading equipment failure occurs, the utility shall make all reasonable efforts to replace or repair equipment so that not more than 2 estimated bills are issued.**
- (5) ~~An estimated bill that is generated because the actual read is outside the range for the premises usage shall not be issued in consecutive months. If the utility is actively engaged in resolving the problem, an additional 30 days is permitted to correct the problem and obtain an actual meter reading.~~ A utility shall not use estimated meter reads to deny residential customers the benefit of a lower-tiered rate, if available.**
- (6) ~~If a utility shuts off service due to non-payment, the utility must complete a final read or, if unable to obtain an actual read after reasonable attempts, the utility may estimate the bill.~~ If a utility cannot obtain an actual meter reading, then the utility shall maintain records of the efforts made to obtain such a reading and its reasons for failing to obtain it.**
- (7) A utility may estimate customer bills only upon a finding by the commission that a utility's estimated bill procedures assure reasonable billing accuracy. A bill that is rendered on an estimated basis shall be clearly and conspicuously identified as such. A utility shall submit any substantive changes to its billing estimation procedures to the commission for approval.**
- (8) A utility may render estimated bills to seasonally billed customers in accordance with its commission-approved tariffs.**
- (9) An estimated bill that is generated because the actual meter reading is outside the range for the premises usage shall not be issued in consecutive months. If the utility is actively engaged in resolving the problem, an additional 30 days is permitted to correct the problem and obtain an actual meter reading.**
- (10) If a utility shuts off service due to nonpayment, the utility shall complete a final reading, or, if unable to obtain an actual meter reading after reasonable attempts, the utility may estimate the bill.**
- (11) If a utility estimates a customer's bill for 2 or more consecutive months and an actual meter reading is then obtained, the utility shall offer the residential and small nonresidential customer the opportunity to pay the bill over the same number of months as consecutively estimated bills. This subrule does not apply if the utility cannot obtain access to the meter and the customer fails to provide an actual meter reading if requested by the utility.**

R 460.114-~~Company representative identification.~~ Customer meter reading.

~~Rule 14. Upon request, the utility representative reading the meter shall provide the customer or other household member with appropriate picture identification confirming the representative's employment with the company.~~ **A utility shall provide residential and small nonresidential customers with the opportunity to read and report energy usage provided that the customer accurately reports energy usage on a regular basis. A utility shall provide postage-paid, pre-addressed postcards for this purpose upon request, or the utility may permit customers to report meter readings on a secure company website, by telephone, or other reasonable means. At least once every 12 months, a utility shall obtain an actual meter reading of energy usage to verify the accuracy of readings reported in this manner. Notwithstanding the provisions of this rule, a utility company representative may read meters on a regular basis.**

~~R 460.115 Customer meter reading.~~ **Meter accuracy and errors.**

~~Rule 15. A utility shall provide each customer with the opportunity to read and report energy usage provided the customer accurately reports energy usage on a regular basis. A utility shall provide postage paid, pre-addressed postcards for this purpose upon request, or the utility may permit customers to report meter readings on a secure company website, by telephone, or other reasonable means. At least once every 12 months, a utility shall obtain an actual meter reading of energy usage to verify the accuracy of readings reported in this manner. Notwithstanding the provisions of this rule, a utility company representative may read meters on a regular basis.~~ **(1) Meters with actual meter readings that are rejected by the utility billing system for 2 consecutive months because they are outside the expected range of the customer's usage for the premises shall be reviewed by a billing specialist, investigated, and, if necessary, the utility shall repair or replace the meter.**

(2) A utility shall calculate the period and amount of inaccuracy of electric meters pursuant to R 460.3616 and R 460.3309. A utility shall calculate the period and amount of inaccuracy of gas meters pursuant to R 460.2361 and R 460.2362.

(3) If a utility finds that an electric or gas meter has an average meter accuracy less than 98% or more than 102%, an adjustment for bills for the inaccuracy may be made in the case of under registration and shall be made in the case of over registration.

(4) Notwithstanding the provisions of any other rule, except in the case of unauthorized use of utility service, back billing of customers or refunds to customers for meter errors is limited to the 12-month period immediately preceding discovery of the error. The customer shall be given a reasonable time in which to pay the amount of the back billing, after consideration of the amount of the back bill and the duration of the inaccuracy, and service shall not be shut off during this time for nonpayment of the amount of the back billing if the customer is complying with the repayment agreement.

(5) If the amount due the utility is more than \$5.00, the utility may bill the customer for the amount due. The utility shall offer the customer reasonable payment arrangements for the amount due. The bill for the undercharge shall not include interest.

(6) If the amount of the refund due an existing or previous customer as the result of meter over registration is less than \$5.00, a refund is not required to be made. Paid overcharges shall be credited to the existing customer or paid to a previous customer with 5% interest, commencing on the 60th day following payment.

~~R 460.116 Meter accuracy, meter errors,~~ **Meter relocation.**

Rule 16. (1) ~~Meters with actual readings that are rejected by the utility billing system for 2 consecutive months because they are outside the expected range of the customer's usage for the premises shall be reviewed by a billing specialist, investigated, and, if necessary, the meter shall be repaired or replaced.~~

~~(2) Meters recording usage inaccurately shall be repaired or replaced by the company. Any meter in service that remains broken as determined by a specific test of the meter or that does not correctly register customer usage for a period of 6 months or more shall be removed and customers will not be required to pay bills generated from these meter readings beyond the 6-month period from the date the meter malfunction occurred. This rule does not alter the provisions of R 460.3613 governing the testing and replacement of electric meters and R 460.2353 governing the replacement of gas meters.~~

~~(3) Overcharges and undercharges due to gas meter errors and electric meter errors shall be reconciled in accordance with the provisions of R 460.2364 of the technical standards for gas service and the provisions of R 460.3403 of the regulations governing technical standards for electric service, respectively.~~

~~(4) A utility may assess a meter relocation charge in any of the following situations:~~

~~(a) The utility shut off service by disconnection at the street or pole because the utility could not obtain access to the meter **or utility facilities.**~~

~~(b) The customer, **its authorized agent**, or another responsible adult refused to permit the utility access to the meter on 2 separate occasions, or on a single occasion if harm is threatened, and the utility can produce documentation of requests for access and/or requests for the customer to perform a meter reading that were refused.~~

~~(c) The utility shut off service due to unauthorized use of utility service or the customer acknowledges personal responsibility and the utility bills the customer for unauthorized use of utility service.~~

~~(d) The customer requests that the utility relocate the meter **or other utility facilities.**~~

~~(5)(2) If the utility moves the meter for reasons other than the reasons listed under subrule (4)(1) of this rule, and the customer wants the meter placed in a different location than that selected by the utility, then the customer shall pay any additional costs.~~

PART 5. BILLING AND PAYMENT STANDARDS

R 460.117 ~~Billing frequency; method of delivery.~~ **Bill information.**

Rule 17. (1) ~~A utility shall send a bill each billing month to its customers in accordance with approved rate schedules unless the utility and the customer agree to another billing interval. A utility shall send a bill to customers by mail unless the utility and the customer agree to another method of delivery. A utility that is authorized to seasonally bill customers or to use a customer read system shall send a bill in accordance with the tariffs approved by the commission.~~

~~(2) The customer may designate a third party to receive bills, shutoff notices, or other communications from the utility on the customer's behalf if the customer submits a document signed by the customer and the designated third party to the utility. The receipt of bills by a third party does not make that party responsible for the bills unless the third-party recipient is a guarantor under R 460.112.~~

~~(3) Customers who use online billing and payment shall have the same rights and responsibilities as customers who use paper bills and payment by US mail.~~

(1) Except for prepaid service, the utility shall bill each customer promptly after reading the meter. The bill shall state clearly all of the following information:

- (a) The beginning and ending actual meter readings and dates for the billing period.**
 - (b) The units of energy consumed during the billing period and the units of energy consumed during the comparable period the prior year. Upon customer request, the utility shall provide weather-adjusted consumption data to the customer or to a third party designated by the customer.**
 - (c) A designation of the rate.**
 - (d) The due date.**
 - (e) Any previous balance.**
 - (f) The amount due for energy usage.**
 - (g) The amount due for other authorized charges.**
 - (h) The amount of tax.**
 - (i) The total amount due.**
 - (j) The applicable rate schedules, the explanation of rate schedules, and the explanation of how to verify the accuracy of the bill will be provided by the company upon request.**
 - (k) That the customer should contact the company regarding an inquiry or complaint about the bill before the due date.**
 - (l) The address and telephone number of the utility at which the customer may initiate any inquiry or complaint regarding the bill or the service provided by the utility.**
 - (m) That the utility is regulated by the commission.**
 - (n) For nonresidential customers, the bills shall contain all of the following:**
 - (i) The date by which the customer must pay the bill to benefit from any discount or to avoid any penalty.**
 - (ii) Any conversions from meter reading units to billing units, any calculations to determine billing units from recording or other devices, or any other factors, such as power supply cost recovery adjustments, used in determining the bill. A statement may appear on the bill advising the customer that the information can be obtained by contacting the utility. Any multiplier used to determine billing units shall be shown when used.**
 - (iii) If the billing period differs from the meter reading cycle and the reading data is calculated from actual metered data, then the actual meter reading shall be shown on the bill.**
- (2) A commission-regulated utility proposing a new bill format shall submit its proposed bill format to the commission staff prior to introduction to its customers.**

R 460.118 ~~Equal monthly billing.~~ Electronic billing requirements.

~~Rule 18. Upon customer request, a utility shall bill a customer with a satisfactory payment history under an equal monthly billing program, if the commission finds that the billing program assures reasonable billing accuracy. If a customer has a credit balance of more than \$10.00 at the end of the program year, upon the request of the customer, the utility shall either return the credit balance or credit it to the next month's bill. If the balance is less than \$10.00, the utility shall credit the amount to the customer's account. Any utility wishing to issue billing statements electronically shall comply with all of the following requirements:~~

- (a) A customer shall not be required to use electronic billing.**
- (b) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills or customer information electronically.**

(c) The electronic billing statement shall include, at minimum, all information listed in R 460.117.

(d) The company shall maintain a secure and encrypted site to be accessed by the customer after completing a secure registration process.

(e) The utility may require that the customer use a password or security question to access the electronic billing system. The company shall not require the customer to use his or her social security number to enroll in or access the billing system.

(f) Any fees to accept electronic payments shall be clearly displayed in the payment window.

(g) Any payment made electronically shall be treated as a payment to the company business office.

(h) Use of the electronic system shall not restrict the customer in using other payment methods. All other payment methods shall continue to be available to the customer.

R 460.119 ~~Cycle billing.~~ Separate bill; consolidation and balance transfers for residential and small nonresidential customers.

~~Rule 19. A utility may use cycle billing if each customer receives a bill on or about the same day of each billing month. If a utility changes meter reading routes or schedules by more than 7 days, it shall provide notice to affected customers at least 10 days before making the change.~~

(1) A utility shall transmit a separate bill pursuant to R 460.117 for service provided at each service location.

(2) A utility may consolidate 2 or more active accounts with the documented authorization of the customer.

(3) Notwithstanding the provisions of subrule (1) of this rule, if there is a shutoff or termination of service at a separate metering point, residence, or other location pursuant to these rules, then a utility may transfer an unpaid balance to any other account of the customer if either of the following requirements are met:

(a) Unpaid balances from residential accounts are only transferred to another residential service account of that customer.

(b) Unpaid balances from any nonresidential account are only transferred to another nonresidential account of that customer.

(4) The utility shall have positive identification information that shows that the customer is the same at both residences or locations and shall present that information to the customer upon request.

(5) When a utility transfers an unpaid balance, the utility shall provide the customer with a written notice of the balance transfer, the balance transfer address, the amount of the transfer, the commission rule that allows the transfer, and the process for refuting the action.

R 460.120 ~~Payment of bill.~~ Billing frequency; method of delivery.

~~Rule 20. (1) A utility shall permit each customer a period of not less than 21 days from the date the bill was sent to pay in full, unless the customer specifically designates a different payment date. A utility shall not withdraw funds from a customer account before the due date in cases where a customer uses an automatic bill payment plan unless the customer agrees to a different period.~~

~~(2) A utility shall not attempt to recover from any customer any outstanding bills or other charges due upon the account of any other person, unless that customer has entered into a lawful guarantee under R 460.112, or another lawful agreement to pay those bills and charges.~~

~~(3) The customer has the right to pay any delinquent bill at anytime prior to disconnection in order to preserve uninterrupted service. After proper notice of shutoff under R 460.138 and R 460.141 has been provided, it shall be the customer's responsibility to contact the utility and arrange payment before disconnection.~~

~~(4) The utility may authorize payment agents to accept payments on behalf of the utility. The authorized agents shall accept payment and provide payment verification, without request, that may be used by the customer to verify payment with the utility. The payment verification shall clearly state that the payment may not be credited to the customer's account for up to 2 business days. The payment verification shall also clearly state any charges or fees for use of the payment agent services. The agent shall remit payments to the utility every other business day, at minimum, and the company shall credit those payments to customer accounts within 1 business day of receiving them from the payment agent. Payment agent locations shall be clearly marked as "Authorized Payment Agent for [Company]". The utility shall provide information on bills every 6 months warning customers not to use unauthorized payment centers.~~

~~(5) A combination utility company shall permit eligible low income customers, as defined by these rules, to designate how partial payments shall be applied to their account. In the event of disconnection or pending disconnection of both gas and electric services, the utility shall provide the eligible low income customer with an accounting of the customer's current gas and electric charges and shall give the customer the option of restoring one or both services with the appropriate payment.~~

~~(6) Whenever an eligible low income customer of a combination utility company receives a disconnect notice, the notice shall clearly show the customer has both of the following options:~~

~~(a) An extended payment plan for both gas and electric service.~~

~~(b) An extended payment plan to retain either gas or electric service as chosen by the customer.~~

(1) A utility shall send a bill each billing month to its customers pursuant to the approved rate schedules unless the utility and the customer agree to another billing interval or the commission approves an alternative billing frequency method. A utility shall send a bill to customers by mail unless the utility and the customer agree to another method of delivery.

(2) A utility that is authorized to bill customers seasonally or use a customer-read system shall send a bill pursuant to the tariffs approved by the commission.

(3) A bill shall be mailed, transmitted, or delivered to the customer not less than 21 days before the due date. Failure to receive a bill properly mailed, transmitted, or delivered by the utility does not extend the due date.

(4) A customer may designate a third party to receive bills, shutoff notices, or other communications from the utility on the customer's behalf if the customer submits a document signed by the customer and the designated third party to the utility. The receipt of bills by a third party does not make that party responsible for the bills unless the third-party recipient is a guarantor under R 460.112.

(5) Customers who use electronic billing and payment shall have the same rights and responsibilities as customers who use paper bills and payment by United States mail.

R 460.121 ~~Payment period.~~Equal monthly billing.

Rule 21. (1) ~~The date a bill is sent is the date the utility transmits the billing information to the customer. If the last day for payment falls on a Sunday, legal holiday, or other day when the offices the utility regularly uses for the payment of customers' bills are not open to the general public, the payment date shall be extended through the next business day.~~

(2) ~~If a customer fails to make full payment by the due date, the utility may begin to implement its collection practices including the use of automated telephone calls reminding the customer or a third party designated under R 460.117(2) that the bill is past due. Neither the utility nor its agents shall make more than 1 call per day to a specific customer or third party in which contact is made with the customer or third party.~~ **Upon a residential customer's request, a utility shall bill a residential customer with a satisfactory payment history under an equal monthly billing program, if the commission finds that the billing program assures reasonable billing accuracy. If a residential customer has a credit balance of more than \$10.00 at the end of the program year, upon the request of the customer, the utility shall either return the credit balance or credit it to the next month's bill. If the balance is less than \$10.00, the utility shall credit the amount to the residential customer's account.**

R 460.122 ~~Allowable charges.~~Cycle billing.

Rule 22. (1) ~~Except as otherwise provided by statute, a utility shall bill each customer for the amount of natural gas or electricity consumed and any other approved charges in accordance with the rates and tariffs approved by the commission.~~

(2) ~~A utility may assess a late payment charge that is not more than 2%, not compounded, of the portion of the bill, net of taxes, that is delinquent. A utility shall not assess a late payment charge against a customer whose payments are made by the department of human services or who is participating in a shutoff protection program described in Part 9 of these rules.~~

(3) ~~A utility may not charge a late payment fee for failure to pay an estimated bill by the due date unless the customer is subsequently delinquent on a bill using an actual read. This rule shall not apply if the bill is estimated because the utility was unable to gain access to the meter, the utility's lack of access is documented, and the customer refused to provide an actual meter reading.~~ **A utility may use cycle billing if a customer receives a bill on or about the same day of each billing month. If a utility changes meter reading routes or schedules by more than 7 days, it shall provide notice to affected customers at least 10 days before making the change.**

R 460.123 ~~Bill information.~~Payment of bill.

Rule 23. (1) ~~A bill that is transmitted by a utility shall state clearly all of the following information:~~

(a) ~~The beginning and ending meter readings and dates for the billing period. A customer reading his or her own meter shall be encouraged, but not required, to provide this information. The provisions of this rule do not apply if the information is not provided by the customer.~~

(b) ~~The units of energy consumed during the billing period and the units of energy consumed during the comparable period the prior year. Upon customer request, the utility shall provide weather-adjusted consumption data to the customer or to a third party designated by the customer.~~

(c) ~~A designation of the rate.~~

(d) ~~The due date.~~

(e) ~~Any previous balance.~~

- ~~(f) The amount due for energy usage.~~
- ~~(g) The amount due for other authorized charges.~~
- ~~(h) The amount of tax.~~
- ~~(i) The total amount due.~~
- ~~(j) That the rate schedules, the explanation of rate schedules, and the explanation of how to verify the accuracy of the bill will be provided by the company upon request.~~
- ~~(k) That the customer should contact the company regarding an inquiry or complaint about the bill before the due date.~~
- ~~(l) The address and telephone number of the utility at which the customer may initiate any inquiry or complaint regarding the bill or the service provided by the utility.~~
- ~~(m) That the utility is regulated by the Michigan public service commission.~~
- ~~(2) A commission-regulated utility proposing a new bill format shall submit its proposed bill format to the commission staff prior to introduction to its customers.~~
- ~~(3) Any utility wishing to issue billing statements online shall comply with each of the following requirements:~~
 - ~~(a) A customer shall not be required to use online billing.~~
 - ~~(b) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills or customer information online.~~
 - ~~(c) The online billing statement shall include, at minimum, all information listed in subrule (1) of this rule.~~
 - ~~(d) The company shall maintain a secure and encrypted site to be accessed by the customer of record after completing the secure registration process.~~
 - ~~(e) The utility may require that the customer use a password or security question to access the online billing system. The company shall not require the customer to use his or her social security number to enroll in or access the billing system.~~
 - ~~(f) Any fees to accept online payments shall be clearly displayed in the payment window.~~
 - ~~(g) Any payment made online shall be treated as a payment to the company business office.~~
 - ~~(h) Use of the online system shall not restrict the customer in using other payment methods. All other payment methods shall continue to be available to the customer.~~
- (1) A utility shall permit each customer a period of not less than 21 days from the date the bill was sent to pay in full, unless the customer and the utility agree on a different due date. A utility shall not withdraw funds from a customer's account before the due date in cases where a customer uses an automatic bill payment plan unless the customer agrees to a different period.**
- (2) Except as otherwise provided in subrule (3) of this rule, a utility shall not attempt to recover from a customer any outstanding bills or other charges due upon the account of any other person, unless that customer has entered into a lawful guarantee under R 460.112, or another lawful agreement to pay those bills and charges.**
- (3) To avoid shut off of residential service pursuant to R 460.137(e), when an occupant has lived with a residential customer within the last 3 years, currently resides with the customer, and the customer has a delinquent account that remains unpaid, is not in dispute, and accrued during shared residency, both are equally responsible for the unpaid bill. The utility shall advise the customer and occupant of the process by which the customer may refute this claim unless that customer has entered into a guarantee under R 460.112, or another agreement to pay those bills and charges.**
- (4) The customer has the right to pay any delinquent account at any time prior to the shut off of service date to preserve uninterrupted service. After proper notice of shut off**

under R 460.139 and R 460.140 has been provided, it shall be the customer's responsibility to contact the utility and arrange payment before disconnection.

(5) The utility may authorize an agent to accept payments on behalf of the utility. The authorized agent shall accept payment and provide payment verification, without request, that may be used by the customer to verify payment with the utility. The payment verification shall clearly state all of the following:

(a) That the payment may not be credited to the customer's account for up to 2 business days.

(b) Any charges or fees for use of the authorized agent services.

(c) That to avoid shutoff, the customer must contact the utility with verification of payment made to an authorized agent.

(6) The authorized agent shall remit payments to the utility every other business day, at a minimum, and the company shall credit those payments to customer accounts within 1 business day of receiving them from the payment agent. Authorized agent locations shall be clearly marked as "Authorized Agent for [Company]." The utility shall provide information on bills every 6 months that warns customers not to use unauthorized payment centers.

(7) Except in situations of unauthorized use of utility service, a combination utility company, when requested, shall permit eligible low-income customers to do any of the following:

(a) Designate how partial payments shall be applied to their account.

(b) Choose to retain either the electric service or natural gas service if faced with a shutoff, provided that the customer allows the utility to have access to the non-chosen service for shutoff.

(c) Protect the retained service from shut off during the heating season, provided that payments for current usage are made on the retained service and the customer is in good standing with the utility on any payment plan for which the customer qualifies.

(8) Whenever an eligible low-income customer of a combination utility company receives a disconnect notice, the notice shall clearly show the customer has both of the following options:

(a) An extended payment plan for both gas and electric service.

(b) An extended payment plan to retain either gas or electric service as chosen by the customer.

R 460.124 ~~Separate bills.~~ Payment period.

Rule 24. (1) ~~A utility shall transmit a separate bill in conformity with the provisions of R 460.123 for service provided at each service location and shall not combine 2 or more accounts without written authorization of the customer.~~

(2) ~~Notwithstanding the provisions of subrule (1) of this rule, if there is shutoff or termination of service at a separate residential metering point, residence, or location in accordance with these rules, then a utility may transfer an unpaid balance to any other residential service account of the customer. The utility must have valid identification data that shows the customer is the same at both residences and must present that data to the customer upon request.~~

(3) ~~Whenever a utility consolidates accounts under subrule (2) of this rule, the utility shall provide the customer with a written notice for the consolidation, the commission rule that allows the consolidation, and the process for refuting the action.~~

(1) The date a bill is sent is the date the utility transmits the billing information to the customer. If the last day for payment falls on a day when the mail is not delivered, or other day when the utility offices that accept customer payments are not open to the general public, the payment date shall be extended through the next business day. Customer remittances postmarked on the due date shall be considered to have been timely paid. If the postmark is illegible, the date of mailing shall be designated as 2 days before receipt by the utility.

(2) If a customer fails to make full payment by the due date, the utility may implement its collection practices, including the use of automated telephone calls which remind the customer or a third party that the bill is past due. Neither the utility nor its agents shall make more than 1 call per day to a specific customer or third party in which contact is made with the customer or third party.

R 460.125 Billing for non-tariff services.Late payment charges.

~~Rule 25. A utility may include charges for unregulated services, such as appliance repair or appliance protection programs, together with charges for gas and electric service on the same monthly bill if the charges for the unregulated services are designated clearly and separately from the charges for the gas or electric service and it is noted that it is an unregulated service. Failure to pay for unregulated service charges may result in the termination of that service but not the termination of the gas or electric service. If partial payment is made, the utility shall first credit payment to the balance outstanding for gas or electric service in accordance with the provisions of R 460.120(5) and R 460.120(6) where applicable.~~

(1) Except as otherwise provided by statute, a utility shall bill each residential customer for the amount of natural gas or electricity consumed and any other approved charges pursuant to the rates and tariffs approved by the commission.

(2) A utility may assess residential customers a late payment charge that is not more than 2%, not compounded, of the portion of the bill, net of taxes, that is delinquent. A utility shall not assess a late-payment charge against a residential customer whose payments are made by the department of health and human services or who is participating in a shutoff protection program described in Part 9 of these rules, R 460.145 to R 460.153.

(3) A utility may not charge residential customers a late payment fee for failure to pay an estimated bill by the due date unless the customer is subsequently delinquent on a bill using an actual meter reading. This rule shall not apply if the bill is estimated because the utility was unable to gain access to the meter, the utility's lack of access is documented, and the customer refused to provide an actual meter reading.

(4) For nonresidential customers, unless the utility's tariff states otherwise, a late payment charge of not more than 2%, not compounded, may be applied to the unpaid balance outstanding, net of taxes, if the bill is not paid in full on or before the date on which the bill is due.

R 460.126 Billing error.Billing for unregulated non-energy services.

~~Rule 26. (1) If a utility overcharges a customer due to a billing error, the utility shall refund or credit the amount of the paid overcharge plus 7% APR interest on the bill immediately following the discovery of the error. Upon customer request, overcharges greater than \$10 shall be refunded within 30 days. A utility is not required to adjust, refund, or credit an overcharge plus 7% APR interest for more than the 3 years immediately preceding discovery of the billing error, unless the customer is able to establish an earlier date for~~

~~commencement of the error. The interest on the overcharge shall be applied on the 60th day following the paid overcharge.~~

~~(2) If a utility undercharges a customer, the following provisions apply:~~

~~(a) In cases that involve unauthorized use of utility service the utility may backbill the customer for the amount of the undercharge using the commission approved process for estimating the bill. The utility may charge fees for unauthorized use of utility service in accordance with commission approved tariffs.~~

~~(b) In cases that do not involve unauthorized use of utility service, the utility may backbill the customer for the amount of the undercharge during the 12-month period immediately preceding discovery of the error, and the utility shall offer the customer reasonable payment arrangements for the amount of the backbill, which shall allow the customer to make installment payments over a period at least as long as the period of the undercharge. The utility shall take into account the customer's financial circumstances when setting payment amounts.~~

A utility may include charges for unregulated non-energy services, such as appliance repair or appliance protection programs, together with charges for natural gas and electric service on the same monthly bill if the charges for the unregulated non-energy services are designated clearly and separately from the charges for the natural gas or electric service and it is noted that it is an unregulated service. Failure to pay for unregulated non-energy service charges may result in the termination of that service but not the shut off of the natural gas or electric service. If partial payment is made, the utility shall first credit payment to the balance outstanding for natural gas or electric service pursuant to the provisions of R 460.123(7) and R 460.123(8) where applicable.

R 460.126a Billing error.

Rule 26a. (1) If a utility overcharges a customer due to a billing error, then the utility shall refund or credit the amount of the paid overcharge to the customer. Paid overcharges shall be credited to a customer with 5% APR interest, commencing on the sixtieth day following payment. A utility is not required to adjust, refund, or credit an overcharge plus 5% APR interest for more than the 3 years immediately preceding discovery of the billing error, unless the customer is able to establish an earlier date for commencement of the error.

(2) Upon customer request, paid overcharges for billing errors greater than \$10.00 shall be refunded within 30 days of the request.

(3) If a utility undercharges a customer, in cases that do not involve unauthorized use of utility service, the utility may back bill the customer for the amount of the undercharge during the 12-month period immediately preceding discovery of the error, and the utility shall offer the customer reasonable payment arrangements for the amount of the back bill, which shall allow the customer to make installment payments over a period at least as long as the period of the undercharge. The utility shall take into account the customer's financial circumstances when setting payment amounts.

R 460.126b Responsibility for unauthorized use of utility service.

Rule 26b. (1) In cases that involve unauthorized use of utility service, the utility may back bill the customer for the service used. The back bill for service used may include 5% interest.

(2) The utility may charge fees for unauthorized use of utility service in accordance with commission-approved tariffs.

(3) If a utility shuts off service for unauthorized use of utility service, the utility may bill a customer for all of the following:

- (a) The cost of investigating the unauthorized use.**
- (b) The cost of relocating the meter.**
- (c) The cost of any damages that have been caused to utility-owned equipment.**

PART 6. VOLUNTARY TERMINATION OF SERVICE

R 460.127 Voluntary termination.

Rule 27. (1) Subject to the provisions of these rules, a utility customer or authorized representative shall do all of the following:

(a) Notify the utility in person, or by telephone, in writing, by fax or on the internet at least 10 business days prior to requested service termination.

(b) Allow **safe** access to the utility, if necessary, to perform a final meter read.

(c) Provide an address for final billing at the time of request for a final read.

(d) Notify the utility if an existing occupant continues to occupy the premises.

(2) The utility shall do both of the following:

(a) Provide a final actual meter reading within 10 business days of the request for termination or estimate the final reading and offer the customer the option to provide an actual meter reading. If the meter is not read within the 10-day time frame the utility shall document the reason for no actual **meter** reading. An actual meter reading shall be obtained by the next normal **actual meter** reading cycle.

(b) Schedule the customer's final reading within a 4-hour time frame if the utility cannot access the meter.

(3) A property owner shall provide notice to the utility within 30 days after abandoning or surrendering a property to avoid liability for any unauthorized use of utility service as provided in MCL 460.9d(6).

PART 7. ~~UTILITY PROCEDURES~~ ENERGY ASSISTANCE AND SHUTOFF PROTECTION PROGRAMS FOR RESIDENTIAL CUSTOMERS

R 460.128 ~~Applicability.~~ **Listing of energy assistance programs for residential customers.**

Rule 28. ~~These procedures apply to all customer inquiries, service requests, and complaints that are made to a utility regarding residential utility service and charges. The~~ **commission shall annually provide a listing of all federal and state energy assistance programs and the eligibility requirements of each program to all utilities.**

R 460.129 ~~Complaint procedures.~~ **Notice of energy assistance programs for residential customers.**

Rule 29. (1) ~~A utility shall establish procedures that will ensure the prompt, efficient, and thorough receipt, investigation, and, where possible, resolution of all customer inquiries, service requests, and complaints and report the resolution of commission referred complaints to the commission staff.~~

(2) ~~A utility shall make reasonable attempts to contact the customer within 2 business days, after referral of a customer's complaint from the commission, and will develop and report to the commission within 10 days after referral its plan for resolution of the complaint.~~

~~(3) A utility shall provide customers who are not satisfied with the utility's resolution of a complaint or inquiry with the toll-free telephone number and internet address of the commission.~~

~~(4) A utility shall obtain commission approval of any substantive changes in its procedures.~~

(1) A utility shall annually inform each residential customer of all of the following information:

(a) The federal and state energy assistance programs that are available and the eligibility requirements of the programs, as provided to the utility by the commission.

(b) The medical emergency provisions of R 460.130.

(c) The shutoff protection programs described in R 460.131 and R 460.132.

(d) The military shutoff protections of R 460.133.

(2) The utility shall provide to residential customers the information required by subrule (1) of this rule. The information in subrule (1) of this rule may be explained on the customer's bill, provided as a bill insert, or provided by other means of transmittal. This information shall also be posted on the company's website. If the utility does not print an explanation on the customer's bill, then the utility shall, on the customer's bill, direct the customer to the bill insert or other transmittal.

(3) If additional information regarding energy assistance programs becomes available after the utility's initial notice to residential customers, the commission shall provide that information to all utilities. Within 60 days of receiving the information, the utility shall provide the new eligibility requirements or benefits levels for energy assistance programs to all of its residential customers and the new benefit levels to all customers currently enrolled in the programs.

(4) When a residential customer receives a past-due notice from the utility, the utility shall provide the customer access to information about energy assistance programs referenced in subrules (1) and (3) of this rule, which shall, at minimum, include a telephone number of a utility representative who is able to provide this information.

R 460.130 Personnel procedures. Medical emergency.

~~Rule 30. A utility shall establish personnel procedures that, at a minimum, ensure all of the following:~~

~~(a) That qualified personnel are available and prepared at all times during normal business hours to receive and respond to all customer inquiries, service requests, and complaints. A utility shall make the necessary arrangements to ensure that customers who are unable to communicate in the English language receive prompt and effective assistance.~~

~~(b) That qualified personnel who are responsible for, and authorized to enter into, written settlement agreements on behalf of the utility are available at all times during normal business hours to respond to customer inquiries and complaints.~~

~~(c) That qualified personnel are available at all times to receive and respond to customer contacts regarding any shutoff of service and emergency conditions that occur within the utility's service area.~~

~~(d) That the names, addresses, and telephone numbers of personnel who are designated and authorized to receive and respond to the requests and directives of the commission regarding customer inquiries, service requests, and complaints during business hours are current and on file with the commission. The utility shall also provide a contact for emergency situations that may arise after business hours.~~

(1) A utility shall restore service or postpone shut off of service for not more than 21 days if the customer or a member of the customer's household is a critical care customer or has a medical emergency. The customer's certification shall identify all of the following:

- (a) The medical condition.**
- (b) Any medical or life supporting equipment needed for the critical care or medical emergency.**
- (c) The specific time period during which the shut off of service will aggravate the medical emergency.**

(2) The utility shall extend the restoration or postponement for additional periods of not more than 21 days, not to exceed a total postponement of shut off of service of 63 days in any 12-month period per household member, only if the customer provides additional certification that the customer or a member of the customer's household is a critical care customer or has a medical emergency.

(3) A utility shall not be required to grant shutoff extensions totaling more than 126 days per household in any 12-month period.

(4) Nothing in this rule relieves the customer of his or her obligation to pay for utility service.

(5) Nothing in this rule shall prohibit a utility that observes an unsafe connection at a customer's location caused by unauthorized use of electric or natural gas service, from implementing measures to cure or address the unsafe connection pursuant to section 9d(1) of 1939 PA 3, MCL 460.9d(1).

R 460.131 ~~Publication of procedures.~~ Winter protection plan for eligible low-income customers.

~~Rule 31. (1) A utility shall prepare a pamphlet that, in easily understood terms, summarizes the rights and responsibilities of its customers in accordance with these rules and other applicable provisions of statutes, rules, and tariffs.~~

~~(2) A utility shall display the pamphlet prominently at all utility office locations open to the general public and make it available to customers. A utility shall also make the information available on its website. A utility shall transmit the pamphlet to each new customer upon the commencement of service and shall provide it at all times upon request. Where substantial revisions to or new information required by the provisions of subrule (3) of this rule occur, the utility shall provide the changes to all current customers by a bill insert, revised pamphlet, or by publication in a periodical that is sent to all current customers of the utility and to the commission. The form of this transmittal shall be at the discretion of the utility.~~

~~(3) The pamphlet or other publication shall contain all of the following information:~~

- ~~(a) Billing procedures and estimation standards.~~
- ~~(b) Methods for customers to verify billing accuracy.~~
- ~~(c) An explanation of the power supply cost recovery or gas cost recovery procedures.~~
- ~~(d) Customer payment standards and procedures.~~
- ~~(e) Security deposit and guarantee standards.~~
- ~~(f) Shutoff and restoration of service procedures.~~
- ~~(g) Inquiry, service, and complaint procedures.~~
- ~~(h) Procedures for terminating service.~~

~~(4) Each pamphlet shall indicate conspicuously that the pamphlet is provided in accordance with the rules of the commission.~~

(1) Except where unauthorized use of utility service has occurred, a utility shall not shut off service to an eligible low-income customer during the heating season for nonpayment of a delinquent account if the customer pays to the utility a monthly amount equal to 7% of the estimated annual bill for the eligible customer and the eligible customer demonstrates, within 14 days of requesting shutoff protection, that he or she has made application for state or federal heating assistance. If an arrearage exists at the time an eligible low-income customer applies for protection from shut off of service during the heating season, the utility shall permit the customer to pay the arrearage in equal monthly installments between the date of application and the start of the subsequent heating season.

(2) A utility may shut off service to an eligible low-income customer who does not pay the monthly amounts referred to in subrule (1) of this rule after giving notice in the manner required by these rules.

(3) If an eligible low-income customer fails to comply with the terms and conditions of this rule, a utility may shut off service after giving the customer notice, by personal service or first-class mail, which contains all of the following information:

- (a) The eligible low-income customer has defaulted on the winter protection plan.**
- (b) The nature of the default.**
- (c) That unless the customer makes the payments that are past due under this rule within 10 days of the date of mailing, the utility may shut off service.**

(d) The date on or after which the utility may shut off service, unless the customer takes appropriate action.

(e) That the customer has the right to file a complaint disputing the claim of the utility before the date of the proposed shut off of service by calling the company.

(f) That the customer has the right to request a hearing before a hearing officer if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 7 business days of the date that the customer requests a hearing.

(g) That the customer has the right to represent himself or herself, be represented by counsel, or be assisted by other persons of his or her choice in the complaint process.

(h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility or the commission pursuant to these rules.

(i) The telephone number and address of the utility where the customer may make inquiry, enter into a payment plan or settlement agreement, or file a complaint.

(j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for emergency economic assistance.

(k) That the utility will postpone shut off of service if a medical emergency exists at the customer's residence and the customer provides the documentation as specified in R 460.147.

(l) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of winter protection monthly amounts.

(m) That the utility will not shut off service if the customer or the spouse of the customer is on active military duty.

(4) At the conclusion of the heating season, the utility shall reconcile the accounts of eligible low-income customers and permit customers to pay any amounts owing in equal monthly installments between April 1 and October 31. A utility may shut off service to

eligible customers who fail to make installment payments on a timely basis in the manner required by these rules.

(5) Except where unauthorized use of utility service has occurred at a customer's premises within the past 2 years and the bill remains unpaid, during the heating season a utility shall not require an eligible low-income customer, whose utility service has been shut off, to pay a fee for restoring service or a security deposit pursuant to R 460.109 or R 460.111, before applying for protection under this rule.

(6) Except where unauthorized use of utility service has occurred within the past 2 years at the premises where the customer has resided and the bill remains unpaid or safety is a concern, a utility may not require an amount greater than 1/12 of an arrearage owed to restore service or initiate participation in the winter protection plan.

(7) Winter protection provisions of these rules do not apply to customers who have been shut off or who have a pending shut off for unauthorized use of utility service within the past 2 years at the customer's current premises until all charges are paid pursuant to these rules or satisfactory payment arrangements are made with the utility.

(8) Upon request, the utility shall provide customers who enroll in the winter protection program with documentation that they are participating in the program.

(9) Bills issued to customers participating in the winter protection program shall clearly identify the minimum amount that the customer must pay to prevent shut off of service. Utilities may bill at higher amounts to recover past due amounts and the utility may encourage customers to pay amounts in excess of the minimum provided that the minimum payment is clearly designated on the bill.

(10) Subject to prior commission approval, a utility may offer an optional shutoff protection program to its customers, provided that the optional shutoff protection program offers eligibility and shutoff protection that meets or exceeds the eligibility criteria and customer protections contained in subrule (1) of this rule.

~~R 460.132 Access to rules and rates.~~ **Winter protection plan for eligible senior citizen customers.**

~~Rule 32. (1) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days of commencing service, within 60 days after issuance of a new rate case order, and at least once each year, the following information with a copy to the commission:~~

- ~~(a) A clear and concise explanation of all rates for which that customer may be eligible.~~
- ~~(b) A notice that complete rate schedules are available upon request.~~
- ~~(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.~~

~~(2) A rural electric cooperative shall provide to each customer, at least annually, all of the following information:~~

- ~~(a) A notice that complete rate schedules are available upon request.~~
- ~~(b) A notice that a clear and concise explanation of all rates for which that customer may be eligible is available upon request.~~
- ~~(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.~~

~~(3) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days after the utility has filed a general rate case application with the commission, all of the following information:~~

- ~~—(a) A notice that the utility has requested that the commission change its rates.~~

~~—(b) A notice that copies of the utility's application are available for inspection at all offices of the utility and on a website.~~

~~—(c) A notice that an explanation of the proposed changes to the utility's rates is available from the utility upon request.~~

~~—(4) A rural electric cooperative shall provide to each customer, within a reasonable time after it has filed a general rate case application or a times interest earned ratio ratemaking application, all of the following information:~~

~~—(a) A notice that the cooperative has requested that the commission change its rates.~~

~~—(b) A notice that copies of the cooperative's application are available for inspection at all offices of the cooperative.~~

~~—(c) A notice that an explanation of the proposed changes to the cooperative's rates is available from the cooperative upon request.~~

~~—(5) A utility, including a rural electric cooperative, shall provide the notice required by the provisions of this rule either through a publication that is transmitted to each of its customers, by a bill insert, or whatever transmission method is used to provide the customer's bill and on its website.~~

~~—(6) A utility shall keep on file, at all offices of the utility, and shall provide public access to, all of the following documents:~~

~~—(a) A copy of these rules.~~

~~—(b) A copy of all other rules of the utility filed with the commission regarding customer service.~~

~~—(c) Schedules of all residential rates and charges.~~

~~—(d) Proposed rate schedules.~~

~~—(e) Clear and concise explanations of both existing and proposed rate schedules.~~

~~—(f) An explanation of its power supply cost recovery or gas cost recovery process.~~

~~—(7) A utility shall post suitable signs in conspicuous locations at all bill payment offices that are operated by the utility or authorized agents calling attention to the fact that the rules, regulations, rate schedules, proposed rate schedules, explanations of rate schedules, and explanations of proposed rate schedules are on file and available for inspection. Upon request, a utility shall provide a copy of these rules, explanations, or schedules to a customer without charge.~~ **(1) A utility shall not shut off service to an eligible senior citizen customer during the heating season.**

(2) At the customer's request, a utility shall restore service to an eligible senior citizen customer's documented personal residence during the heating season without payment of the amount due, deposits, reconnection fees, or other charges.

(3) At the conclusion of the heating season, the utility shall reconcile the accounts of eligible senior citizen customers and permit them to pay any amounts owing in equal monthly installments between April 1 and October 31.

(4) Nothing in this rule relieves the customer of his or her obligation to pay for utility service.

(5) Nothing in this rule shall prohibit a utility that observes an unsafe connection at a customer's location caused by unauthorized use of electric or natural gas service, from implementing measures to cure or address the unsafe connection pursuant to section 9d(1) of 1939 PA 3, MCL 460.9d(1).

R 460.133 Reporting requirements:Eligible military customer.

~~Rule 33. A utility shall file with the commission each year by October 1, a report that contains detailed information concerning all of the following:~~

~~—(a) The payment performance of its customers in relation to established due and payable periods.~~

~~—(b) The number and general description of all complaints registered with the utility.~~

~~—(c) The number of shutoff notices issued by the utility and the reasons for the notices.~~

~~—(d) The number of hearings held by the utility, the types of disputes involved, and the number of complaint determinations issued.~~

~~—(e) The number of written settlement agreements entered into by the utility.~~

~~—(f) The number of shutoffs of service and the number of reconnections.~~

~~—(g) Any other customer service quality information requested by the commission staff. (1)~~

The utility shall not shut off service to an eligible military customer for a period of 90 days. The utility shall continue to provide shutoff protection for at least one 1 additional 90-day period as long as the customer meets all of the conditions for an eligible military customer and requests the utility to do so. After the close of the last 90-day period, the utility shall require the customer to pay any past due amounts in equal monthly payments over a period of up to 12 months.

(2) The utility shall provide the eligible military customer with information on payment assistance programs.

(3) Nothing in this rule shall prohibit a utility that observes an unsafe connection at a customer's location caused by unauthorized use of electric or natural gas service, from implementing measures to cure or address the unsafe connection pursuant to section 9d(1) of 1939 PA 3, MCL 460.9d(1).

~~R 460.134 Inspection.~~**Extreme weather condition policy.**

~~Rule 34. A utility shall permit authorized staff of the commission to inspect all of the utility's operations that relate to customer service.~~ **(1) Within 6 months of the effective date of this rule, a utility shall adopt and submit an extreme weather condition policy to the commission for approval that provides, at a minimum, both of the following:**

(a) The criteria or factors a utility follows in suspending disconnection of service to residential customers during extreme hot and cold weather.

(b) Any preferential treatment given to certain classes of residential customers.

(2) In the event of any subsequent changes to the extreme weather condition policy, a utility shall submit those changes to the commission for its review and approval.

~~R 460.135 Customer access to consumption data.~~**Rescinded.**

~~Rule 35. A utility shall provide to each customer, upon request, a clear and concise statement of the customer's actual energy usage, and/or weather adjusted consumption data for each billing period during the last 12 months. A utility shall notify its customers at least once each year by whatever method is used to transmit the customers' bills, that a customer may request energy usage and weather adjusted consumption data.~~

PART 8. PROCEDURES FOR SHUTOFF AND RESTORATION OF SERVICE

R 460.137 Shutoff or denial of service permitted.

Rule 37. (1) Subject to the requirements of these rules, a utility may shut off or ~~terminate~~ **deny** service to a ~~residential~~ customer for any of the following reasons:

~~(a) The customer has not paid a delinquent account that accrued within the last 6 years.~~

Without notice, if a condition on the customer's premises is determined by the utility or a governmental agency to be hazardous.

~~(b) The customer has failed to provide a deposit or guarantee permitted by these rules.~~

Without notice, if a customer uses equipment in a manner that adversely affects the utility's equipment or the utility's service to others.

(c) Without notice, if The customer has engaged in unauthorized use of the equipment furnished and owned by the utility service occurs, including obtaining the use of equipment by submitting an application containing false information.

~~(d) The customer has failed to comply with the terms and conditions of a settlement agreement not paid a delinquent account that accrued within the last 6 years.~~

~~(e) The customer has refused to arrange access at reasonable times for the purpose of inspection, meter reading, maintenance, or replacement of equipment that is installed upon the premises, or for the removal of a meter~~ **failed to provide a deposit or guarantee as required by the utility.**

~~(f) The customer misrepresented his or her identity for the purpose of obtaining utility service or put service in another person's name without permission of the other person~~ **An occupant who has used electricity or natural gas has failed to establish service in conformance with pursuant to these rules.**

~~(g) The customer has violated any rules of the utility approved by the commission so as to adversely affect the safety of the customer or other persons or the integrity of the utility system~~ **engaged in unauthorized use of utility service.**

~~(h) A person living in the customer's residence is both of the following:~~

~~—(i) Has a delinquent account for service with the utility within the past 3 years that remains unpaid and is not in dispute.~~

~~—(ii) The customer lived in the person's residence when all or part of the debt was incurred. The utility may transfer a prorated amount of the debt to the customer's account, based upon the length of time that the customer resided at the person's residence. This provision does not apply if the customer was a minor while living in the person's residence~~ **The customer has failed to comply with the terms and conditions of a payment plan or settlement agreement.**

(i) The customer has refused to arrange access at reasonable times for the purpose of inspection, meter reading, maintenance, or replacement of equipment that is installed upon the premises, or for the removal of a meter.

(j) The customer has violated any rules of the utility as approved by the commission so as to adversely affect the safety of the customer or other individuals or the integrity of the utility system.

(k) For violation of, or noncompliance with, the utility's rules on file with, and approved, by the commission.

(2) Residential customers may also be shut off or denied service for either or both of the following reasons:

(a) The customer misrepresented his or her identity for the purpose of obtaining utility service or put service in another person's name without permission of the other person.

(b) An individual living in the customer's residence meets both of the following:

(i) Has a delinquent account for service with the utility within the past 3 years that remains unpaid and is not in dispute.

(ii) The individual lived in the customer's residence when all or part of the debt was incurred. The utility may transfer a prorated amount of the debt to the customer's account, based upon the length of time that the individual resided at the customer's residence. This paragraph does not apply if the individual was a minor while living in the customer's residence.

(3) Nonresidential customers may also be shut off or denied service for either of the following reasons:

(a) Failure of the customer to fulfill his or her contractual obligations for service or facilities that are subject to regulation by the commission.

(b) Nonpayment of unpaid balances on any other nonresidential account incurred by the customer under a different account name by the customer's predecessor in interest, or by any other entity, the debt of which the customer is legally obligated to assume.

R 460.138 Notice of shutoff. Shut off prohibited.

~~Rule 38. (1) A utility shall not shut off service pursuant to the provisions of R 460.141 or R 460.142 unless it sends a notice to the customer by first class mail or personally serves the notice not less than 10 days before the date of the proposed shut off. The utility shall send notice to the account name and address and to the address where service is provided if the service address is different and the notice can be delivered at that address. A utility shall maintain a record of the date the notice was sent.~~

~~—(2) A utility shall permit a customer to designate a consenting individual or agency to receive a copy of a notice of shutoff.~~

~~—(3) Not less than 30 days before the proposed shutoff of service to a single metered dwelling that is used as a residence for 3 or more separate households, a utility shall transmit a notice to each dwelling unit that indicates that the customer of record, the landlord, has failed to pay an outstanding bill and is subject to shutoff of service on or after a specified date. (1) A utility shall not shut off service for any of the following reasons:~~

(a) The customer has not paid for items, such as merchandise, appliances, or services that are not approved by the commission as an integral part of the utility service that is provided by the utility.

(b) ~~The customer has not paid for concurrent service received at a separate metering point, residence, or location~~ **During the heating season, the customer is an eligible senior citizen.**

(c) ~~The customer has not paid for a different class of service received at the same or a different location. The placing of more than 1 meter at the same location for the purpose of billing the usage of specific residential energy using devices under optional rate schedules or provisions is not a different class of service for the purposes of this rule.~~ **The customer has not paid for concurrent service received at a separate metering point, residence, or location.**

(d) ~~The customer, such as a landlord, has not paid for service used by another person, such as a tenant. A utility may shutoff service, however, in any of the following circumstances where proper notice has been given:~~

~~—(i) If the customer supplies a written, notarized statement that the premises are unoccupied.~~

~~—(ii) If the premises are occupied and the occupant agrees, in writing, to the shutoff of service.~~

~~—(iii) If it is not feasible to provide service to the occupant as a customer without a major revision of existing distribution facilities. Where it is feasible to provide service, the utility shall offer the occupant the opportunity to subscribe for service in his or her own name. If the occupant refuses, the utility may shut off service pursuant to these rules.~~ **The customer has not paid for a different type or class of service received at the same or a different location. The**

placing of more than 1 meter at the same location for the purpose of billing the usage of specific residential energy-using devices under optional rate schedules or provisions is not a different type or class of service for the purposes of this rule.

(e) ~~A customer, the spouse of a customer or a customer with a spouse who is called to full-time active military service by the president of the United States or the governor of Michigan during a time of declared national or state emergency or war, except as otherwise provided in R 460.150. The customer has not paid for service used by another person, such as a tenant. A utility may shutoff service in any of the following circumstances where proper notice has been given:~~

(i) If the customer supplies a written, notarized statement that the premises are unoccupied.

(ii) If the premises are occupied and the occupant agrees, in writing, to the shut off of service.

(iii) If it is not feasible to provide service to the occupant as a customer without a major revision of existing distribution facilities. Where it is feasible to provide service, the utility shall offer the occupant the opportunity to subscribe for service in his or her own name. If the occupant refuses, the utility may shut off service pursuant to these rules.

(f) A person qualifies as an eligible military customer.

(g) For nonresidential customers, failure to pay the bill of another customer as guarantor.

(h) The customer has an informal complaint, customer hearing, or formal hearing pending with the utility or the commission, except pursuant to the terms of an interim determination, pursuant to R 460.155, R 460.163, and R 460.168.

R 460.139 ~~Form of notice. Notice of shut off.~~

Rule 39. A notice of shutoff of service shall contain all of the following information:

~~—(a) The name and address of the customer, and the address at which service is provided, if different.~~

~~—(b) A clear and concise statement of the reason for the proposed shutoff of service.~~

~~—(c) The date on or after which the utility may shut off service, unless the customer takes appropriate action.~~

~~—(d) That the customer has the right to enter into a settlement agreement with the utility if the claim is for an amount that is not in dispute and the customer is presently unable to pay in full.~~

~~—(e) That the customer has the right to file a complaint disputing the claim of the utility before the proposed date of the shutoff of service.~~

~~—(f) That the customer has the right to request a hearing before a hearing officer if the customer disputes the reasonableness of the settlement agreement offered by the utility or if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 10 business days of the date that the customer requests a hearing.~~

~~—(g) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.~~

~~—(h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility or the commission in accordance with these rules.~~

~~—(i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.~~

- ~~—(j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for an energy assistance program or other emergency economic assistance and should inform the utility of any efforts being made to obtain payment assistance.~~
- ~~—(k) That customers who believe they may be eligible for assistance from an energy assistance program should determine if assistance is available before signing a settlement agreement because many agencies will not provide assistance if shutoff is avoided by signing a settlement agreement.~~
- ~~—(l) That the utility will postpone the shutoff of service if a certified medical emergency exists at the customer's residence or the customer is an eligible low income customer who is actively seeking emergency assistance from an energy assistance program.~~
- ~~—(m) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of a delinquent account or for unauthorized use of utility service.~~
- ~~—(n) That the customer should contact the utility for information about a shutoff protection program.~~

(1) Not less than 10 days before the proposed shut off of service, pursuant to the provisions of R 460.140, R 460.142 and R 460.143, a utility shall send a notice to the customer by first-class mail, or personal service.

(2) The utility shall send the 10-day notice to the account name and address and to the address where service is provided if the service address is different and the notice can be delivered at that address. A utility shall maintain a record of the date the notice was sent.

(3) A utility shall permit a customer to designate a consenting individual or agency to receive a copy of a notice of shut off.

(4) Not less than 30 days before the proposed shut off of service to a single-metered dwelling that is used as a residence for 3 or more separate households, a utility shall transmit a notice to each dwelling unit that indicates that the customer of record, the landlord, has failed to pay an outstanding bill and is subject to shutoff of service on or after a specified date.

(5) Not less than 10 days before the proposed shut off of service to a nonresidential facility that is occupied by more than 5 business entities that are not responsible for payment of the bill, a utility shall make a reasonable attempt to notify each occupant that service may be subject to shut off after a specified date.

(6) For an involuntary shut off, at least 1 day before shut off of service, the utility shall make not less than 2 attempts to contact the customer by telephone, if a telephone number is available to the utility, to advise the customer of the shutoff and what steps the customer must take to avoid shutoff. If the utility uses an automated notification system, the utility shall document the process for ensuring that at least 2 attempts are made to notify the customer of the pending shutoff. If the telephone number is not available, the customer has no telephone, or the utility chooses not to make telephone contacts, the utility shall either leave a notice at the premises advising the customer that service will be shut off on or after the next business day or send notice by first-class mail postmarked at least 5 business days before shutoff of service is scheduled. The utility shall document all attempts to contact the customer. The 10-day notice sent under subrule (1) or (5) of this rule shall be considered as 1 attempt.

R 460.140 Time of shutoff. Form of notice.

~~Rule 40. (1) Subject to the requirements of these rules, a utility may shut off service to a customer on the date specified in the notice of shutoff or at a reasonable time following that date. If a utility does not shut off service and mails a subsequent notice, then the utility shall not shut off service before the date specified in the subsequent notice. Shutoff shall occur only between the hours of 8 a.m. and 4 p.m.~~

~~—(2) A utility shall not shut off service on a day, or a day immediately preceding a day, when the services of the utility are not available to the general public for the purpose of restoring service and shall not shut off service on a Friday during the space heating season to a customer who has defaulted on a shutoff protection program under Part 9 of these rules. (1) A notice of shut off of service shall contain all of the following information:~~

(a) The name and address of the customer, and the address at which service is provided, if different.

(b) A clear and concise statement of the reason for the proposed shut off of service.

(c) The date on or after which the utility may shut off service, unless the customer takes appropriate action.

(d) That the residential and small nonresidential customer may have the right to enter into a payment plan with the utility for an amount owed to the utility that is not in dispute and that the customer is presently unable to pay in full.

(e) That the residential and small nonresidential customer may have the right to enter into a settlement agreement with the utility if the claim is for an amount that is in dispute.

(f) That the customer has the right to file a complaint disputing the claim of the utility before the proposed date of the shut off of service.

(g) That the customer has the right to request a hearing before a hearing officer if the customer disputes the reasonableness of the payment plan or settlement agreement offered by the utility or if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 10 business days of the date that the customer requests a hearing.

(h) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.

(i) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility or the commission pursuant to these rules.

(j) The telephone number and address of the utility where the customer may make inquiry, enter into a payment plan or settlement agreement, or file a complaint.

(k) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of a delinquent account or for unauthorized use of utility service.

(2) For residential customers a notice of shut off of service shall also contain all of the following information:

(a) A combination utility shall include all of the following information on disconnection notices for eligible low-income customers whose natural gas and electric services are combined:

(i) The amounts for both natural gas and electric service, listed separately.

(ii) That the customer has the option of choosing 1 of his or her services to retain with the appropriate payment.

(iii) That the customer may have the option to enter into a payment plan for both natural gas and electric service, or to retain either natural gas or electric service as chosen by the customer.

(b) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for an energy assistance program or other emergency economic assistance and should inform the utility of any efforts being made to obtain payment assistance.

(c) That customers who believe they may be eligible for assistance from an energy assistance program should determine if assistance is available before enrolling in a payment plan because many agencies may not provide assistance if shut off is avoided by signing a settlement agreement.

(d) That during the heating season the utility will postpone shut off of service if a customer is an eligible low-income customer that enters into a winter protection payment plan with the utility and the customer provides documentation that the customer is actively seeking emergency assistance from an energy assistance program.

(e) The energy assistance telephone line number at the department of health and human services or an operating 2-1-1 system telephone number.

(f) That the utility will postpone the shut off of service if a certified medical emergency exists at the customer's residence and the customer informs and provides documentation to the utility of that medical emergency.

(g) That the customer should contact the utility for information about a shutoff protection program.

R 460.141 Manner of shutoff. Time of shut off.

~~Rule 41. (1) For an involuntary shutoff, at least 1 day before shutoff of service, the utility shall make not less than 2 attempts to contact the customer by telephone, if a telephone number is available to the utility, to advise the customer of the shutoff and what steps the customer must take to avoid shutoff. If the utility uses an automated notification system, it shall document the process for ensuring that at least 2 attempts are made to notify the customer of the pending shutoff. If the telephone number is not available, the customer has no telephone, or the telephone contacts are not made, the utility shall either leave a notice at the premises advising the customer that service will be shutoff on or after the next business day or send notice by first class mail postmarked at least 5 business days before shutoff of service is scheduled. The utility shall document all attempts to contact the customer.~~

~~—(2) Immediately preceding the shutoff of service, an employee of the utility who is designated to perform that function may identify himself or herself to the customer or another responsible person at the premises and may announce the purpose of his or her presence.~~

~~—(3) The employee shall have in his or her possession a copy of the delinquent account of the customer and request any available verification that the outstanding claims have been satisfied or are currently in dispute. Unless the customer presents evidence that reasonably indicates that the claim has been satisfied or is currently in dispute, the employee may shut off service.~~

~~—(4) The employee may be authorized to accept payment and shall not shut off service if the customer offers payment in full, together with a commission approved collection charge for sending the employee to the premises, if provided in the utility's schedule of rates and tariffs.~~

~~—(5) The customer may pay in any reasonable manner, including by personal check or by credit or debit card. Payment by personal check, credit or debit card is not reasonable if the customer has paid with a personal check, credit or debit card within the last 12 months and at least 1~~

~~check has been returned for insufficient funds or no account, or at least 1 credit or debit card payment has been denied excluding financial institution error.~~

~~—(6) After notice has been provided in accordance with subrule (1) of this rule, and if the customer does not respond, the employee may shut off service.~~

~~—(7) When the utility employee shuts off service, the employee shall leave a notice in a conspicuous place upon the premises. For all forms printed after the effective date of these rules, the notice shall state that service has been shut off, the address and telephone number of the utility where the customer may arrange to have service restored, and that any efforts by the customer to restore his or her own service are unlawful and dangerous.~~ **(1) Subject to the requirements of these rules, a utility may shut off service to a customer on the date specified in the notice of shut off or at a reasonable time following that date. If a utility does not shut off service and mails a subsequent notice, then the utility shall not shut off service before the date specified in the subsequent notice. Shut off shall occur only between the hours of 8:00 a.m. and 4:00 p.m.**

(2) A utility shall not shut off service on a day, or a day immediately preceding a day, when the services of the utility are not available to the general public for the purpose of restoring service and shall not shut off service on a Friday during the heating season to a customer who has defaulted on a shutoff protection program under these rules.

R 460.142 Manner of shutoff ~~for service provided with remote shutoff and restoration capability.~~

~~Rule 42. (1) For an involuntary shutoff, at least 1 day before shutoff of service, the utility shall make at least 2 attempts to contact the customer by telephone, if a telephone number is available to the utility, to advise the customer of the pending shutoff and what steps the customer must take to avoid shutoff. If the utility uses an automated notification system, it shall document the process for ensuring that at least 2 attempts are made to notify the customer of the pending shutoff. If the telephone number is not available, the customer has no telephone, or the telephone contacts are not made, the utility shall either leave a notice at the premises advising the customer that service will be shutoff on or after the next business day or send notice by first-class mail postmarked at least 5 business days before shutoff of service is scheduled. The notice shall conspicuously state that the disconnection of service will be done remotely and that a utility representative will not return to the premises before disconnection. The utility shall document all attempts to contact the customer.~~

~~—(2) If the utility contacts the customer or other responsible person in the customer's household by telephone on the day service is to be shutoff, the utility shall inform the customer or other responsible person that shutoff of service is imminent and the steps necessary to avoid shutoff. Unless the customer presents evidence that reasonably demonstrates that the claim is satisfied or is in dispute, or the customer makes payment, the employee may shutoff service.~~

~~—(3) If the utility mailed the notice of shutoff to the customer as provided in subrule (1) of this rule, and if telephone contact with the customer cannot be made or if the customer did not respond to the notice provided in accordance with subrule (1) of this rule, no further customer contact is required on the day service is to be shutoff and the utility may shutoff service.~~ **(1) Immediately preceding the shut off of service, an employee of the utility who is designated to perform that function may identify himself or herself to the customer or another responsible person at the premises and may announce the purpose of his or her presence.**

(2) The employee shall have in his or her possession a copy of the delinquent account of the customer and request any available verification that the outstanding claims have been satisfied or are currently in dispute. Unless the customer presents evidence that reasonably indicates that the claim has been satisfied or is currently in dispute, the employee may shut off service.

(3) The employee may be authorized to accept payment and shall not shut off service if the customer offers payment in full, together with a commission-approved collection charge for sending the employee to the premises, if provided in the utility's schedule of rates and tariffs.

(4) The customer may pay in any reasonable manner, including by personal check, credit card, or debit card. Payment by personal check, credit or debit card is not reasonable if the customer has paid with a personal check, credit card, or debit card within the last 12 months and at least 1 check has been returned for insufficient funds or no account, or at least 1 credit card or debit card payment has been denied excluding financial institution error.

(5) After notice has been provided pursuant to R 460.139, and if the customer does not respond, the employee may shut off service.

(6) When the utility employee shuts off service, the employee shall leave a notice in a conspicuous place upon the premises. For all forms printed after the effective date of these rules, the notice shall state that service has been shut off, the address and telephone number of the utility where the customer may arrange to have service restored, and that any efforts by the customer to restore his or her own service are unlawful and dangerous.

R 460.143 ~~Shutoff prohibited.~~ Manner of shut off for service provided with remote shut off and restoration capability.

~~Rule 43. A utility shall not shut off service for any of the following reasons:~~

- ~~—(a) The customer has not paid for items, such as merchandise, appliances, or services that are not approved by the commission as an integral part of the utility service that is provided by the utility.~~
- ~~—(b) The customer has not paid for concurrent service received at a separate metering point, residence, or location.~~
- ~~—(c) The customer has not paid for a different class of service received at the same or a different location. The placing of more than 1 meter at the same location for the purpose of billing the usage of specific residential energy using devices under optional rate schedules or provisions is not a different class of service for the purposes of this rule.~~
- ~~—(d) The customer, such as a landlord, has not paid for service used by another person, such as a tenant. A utility may shutoff service, however, in any of the following circumstances where proper notice has been given:~~
 - ~~—(i) If the customer supplies a written, notarized statement that the premises are unoccupied.~~
 - ~~—(ii) If the premises are occupied and the occupant agrees, in writing, to the shutoff of service.~~
 - ~~—(iii) If it is not feasible to provide service to the occupant as a customer without a major revision of existing distribution facilities. Where it is feasible to provide service, the utility shall offer the occupant the opportunity to subscribe for service in his or her own name. If the occupant refuses, the utility may shut off service pursuant to these rules.~~
- ~~—(e) A customer, the spouse of a customer or a customer with a spouse who is called to full-time active military service by the president of the United States or the governor of Michigan during a time of declared national or state emergency or war, except as otherwise provided in~~

~~R 460.150.~~ (1) For an involuntary shut off of service using meters with remote shut off and restoration capability, at least 1 day before shut off of service, the utility shall make at least 2 attempts to contact the customer by 1 of the methods listed in R 460.139(6). The notice shall conspicuously state that the disconnection of service will be done remotely and that a utility representative will not return to the premises before disconnection.

(2) The utility shall document all attempts to contact the customer.

(3) If the utility contacts the customer or other responsible adult in the customer's household or premises by telephone on the day service is to be shut off, the utility shall inform the customer or other responsible person that shutoff of service is imminent and the steps necessary to avoid shut off. Unless the customer presents evidence that reasonably demonstrates that the claim is satisfied or is in dispute, or the customer makes payment, the utility may shut off service.

(4) If the utility complies with the notice requirements of this rule, no further customer contact is required on the day service is to be shut off and the utility may shut off service.

R 460.144 Restoration of service.

Rule 44. (1) After a utility has shut off service, it shall restore service promptly upon the customer's request when the cause has been cured or credit arrangements satisfactory to the utility have been made.

(2) When a utility is required to restore service at the customer's meter manually, the utility shall make every effort to restore service on the day the customer requests restoration. Except for reasons beyond its control, including excavation or reconnection at a pole, the utility shall restore service not later than the first working day after the customer's request.

(3) For utilities using meter technology with remote shutoff and restoration capability, service shall be restored on the day the customer requests restoration, except in the case of documented equipment failure.

(4) The utility may assess the customer a charge, including reasonable costs, for restoring service and relocating the customer's meter as specified in the utility's approved schedule of rates and tariffs.

(5) In cases of unauthorized use, a utility may reestablish electric or natural gas service if the legal owner cannot provide documentation establishing the identity of the tenant responsible for the prior unauthorized use, proves that he or she is the legal owner of the property, and agrees to payment of the additional fees for reestablishing electric or natural gas service at the location as provided in section 9d(4) of 1939 PA 3, MCL 460.9d(4).

(6) Nothing in these rules shall prohibit the prosecution of an individual or customer for unauthorized use, sale, or transfer of service as permitted by law.

~~PART 9. ENERGY ASSISTANCE AND SHUTOFF PROTECTION~~ ~~PROGRAMS~~ CUSTOMER RELATIONS AND UTILITY PROCEDURES

R 460.145 ~~Listing of energy assistance programs.~~ **Applicability.**

Rule 45. ~~The commission shall provide a listing of all federal and state energy assistance programs and the eligibility requirements of each program to all utilities. The rules in this part~~

apply to all customer inquiries, service requests, and complaints that are made to a utility regarding utility service and charges.

R 460.146 ~~Notice of energy assistance programs.~~ Payment plan procedures for residential and small nonresidential customers.

~~Rule 46. (1) A utility shall annually inform each customer of the following information:~~
~~—(a) The federal and state energy assistance programs that are available and the eligibility requirements of the programs, as provided to the utility by the commission.~~

~~—(b) The medical emergency provisions of R 460.147.~~

~~—(c) The shutoff protection programs described in the provisions of R 460.148 and R 460.149.~~

~~—(d) The military shutoff protections of R 460.150~~**establish a policy to allow a customer the opportunity to enter into a minimum of 2 documented payment plans for an amount owed to the utility that is not in dispute, if a customer claims an inability to pay in full.**

~~(2) The utility shall provide the information required by the provisions of subrule (1) of this rule to residential customers. The information in subrule (1) of this rule may be explained on the customer's bill, or provided as a bill insert, or other transmittal. This information shall also be posted on the company's website. If the utility does not print an explanation on the customer's bill, then the utility shall, on the customer's bill, direct the customer to the bill insert or other transmittal.~~**In negotiating a payment plan due to the customer's inability to pay an outstanding bill in full, the utility shall not require the customer to pay more than a reasonable amount of the outstanding bill upon entering into the plan, and not more than reasonable installments until the remaining balance is paid. For purposes of determining reasonableness, the parties shall consider all of the following factors:**

(a) The size of the delinquent account.

(b) The customer's ability to pay.

(c) The time that the debt has been outstanding.

(d) The reasons that the customer has not paid the bill.

(e) The customer's payment history.

(f) Any other relevant factors concerning the circumstances of the customer.

~~(3) If additional information regarding energy assistance programs becomes available after the utility's initial notice to customers, the commission shall provide that information to all utilities. Within 60 days of receiving the information, the utility shall provide the new eligibility requirements or benefits levels for energy assistance programs to all of its customers and the new benefit levels to all customers currently enrolled in the programs~~**A utility is not required to enter into more than 2 payment plans with a customer who defaulted on the terms and conditions of such payment plan within the last 12 months.**

~~(4) When a customer receives a past due notice from the utility, the utility shall provide the customer access to information about energy assistance programs referenced in subrules (1) and (3) of this rule, which shall, at minimum, include a telephone number of a utility representative able to provide this information~~**A utility shall document that a residential customer has been notified by telephone, other electronic media, or letter of all of the following:**

(a) If a customer is seeking payment assistance from a social service agency, agreeing to this payment plan may prevent the customer from getting emergency assistance.

(b) That the customer needs to notify the utility if the customer is working with an agency.

(c) That a customer should not agree to the payment plan if he or she is not satisfied with it.

(d) If the customer has an unexpected loss or reduction of income after the payment plan is implemented, he or she may request a review and modification of the plan.

R 460.147 ~~Medical emergency.~~ Personnel procedures.

~~Rule 47. Notwithstanding any other provision of these rules, a utility shall postpone the shutoff of service for not more than 21 days if the customer or a member of the customer's household is a critical care customer or has a certified medical emergency as defined in R 460.102. The certificate shall identify the medical condition, any medical or life supporting equipment being used, and the specific time period during which the shutoff of service will aggravate the medical emergency. The utility shall extend the postponement for further periods of not more than 21 days, not to exceed a total postponement of shutoff of service of 63 days, only if the customer provides additional certificates. If shutoff of service has occurred without any postponement being obtained, the utility shall unconditionally restore service for not more than 21 days, and shall continue the restoration for further periods of not more than 21 days, not to exceed a total restoration of service of 63 days in any 12-month period per household member. Annually, a utility shall not be required to grant shutoff extensions totaling more than 126 days per household. A utility shall establish personnel procedures that, at a minimum, ensure all of the following:~~

(a) That qualified personnel are available and prepared at all times during normal business hours to receive and respond to all customer inquiries, service requests, and complaints. A utility shall make the necessary arrangements to ensure that customers who are unable to communicate in the English language receive prompt and effective assistance.

(b) That qualified personnel who are responsible for, and authorized to enter into, payment plans or settlement agreements on behalf of the utility are available at all times during normal business hours to respond to customer inquiries and complaints.

(c) That qualified personnel are available at all times to receive and respond to customer contacts regarding any shut off of service and emergency conditions that occur within the utility's service area.

(d) That the names, business addresses, and telephone numbers of personnel who are designated and authorized to receive and respond to the requests and directives of the commission regarding customer inquiries, service requests, and complaints during business hours are current and on file with the commission. The utility shall also provide a contact for emergency situations that may arise after business hours.

(e) That upon request, the utility representative reading the meter shall provide the customer or other household member with appropriate picture identification confirming the representative's employment with the company.

(f) That employees are informed of their responsibility to protect customers' information and data.

R 460.148 ~~Winter protection plan for low income customers.~~ Publication of procedures for residential and small nonresidential customers.

~~Rule 48. (1) Except where unauthorized use of utility service has occurred, a utility shall not shut off service to an eligible low income customer during the space heating season for nonpayment of a delinquent account if the customer pays to the utility a monthly amount equal to 7% of the estimated annual bill for the eligible customer and the eligible customer demonstrates, within 14 days of requesting shutoff protection, that he or she has made~~

~~application for state or federal heating assistance. If an arrearage exists at the time an eligible low-income customer applies for protection from shutoff of service during the space heating season, the utility shall permit the customer to pay the arrearage in equal monthly installments between the date of application and the start of the subsequent space heating season.~~

~~—(2) A utility may shut off service to an eligible low-income customer who does not pay the monthly amounts referred to in subrule (1) of this rule after giving notice in the manner required by these rules. The utility is not required to offer a settlement agreement to an eligible low-income customer who fails to make the monthly payments referred to in subrule (1) of this rule.~~

~~—(3) If an eligible low-income customer fails to comply with the terms and conditions of this rule, a utility may shut off service after giving the customer notice, by personal service or first-class mail, which contains all of the following information:~~

~~—(a) The eligible low-income customer has defaulted on the winter protection plan.~~

~~—(b) The nature of the default.~~

~~—(c) That unless the customer makes the payments that are past due under this rule within 10 days of the date of mailing, the utility may shut off service.~~

~~—(d) The date on or after which the utility may shut off service, unless the customer takes appropriate action.~~

~~—(e) That the customer has the right to file a complaint disputing the claim of the utility before the date of the proposed shutoff of service by calling the company.~~

~~—(f) That the customer has the right to request a hearing before a hearing officer if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 7 business days of the date that the customer requests a hearing.~~

~~—(g) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.~~

~~—(h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility or the commission in accordance with these rules.~~

~~—(i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.~~

~~—(j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for emergency economic assistance.~~

~~—(k) That the utility will postpone shutoff of service if a medical emergency exists at the customer's residence and the customer provides the documentation as specified in R 460.147.~~

~~—(l) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of winter protection monthly amounts.~~

~~—(m) That the utility will not shut off service if the customer or the spouse of the customer is on active military duty.~~

~~—(4) At the conclusion of the space heating season, the utility shall reconcile the accounts of eligible low-income customers and permit customers to pay any amounts owing in equal monthly installments between April 1 and October 31. A utility may shut off service to eligible customers who fail to make installment payments on a timely basis in the manner required by these rules.~~

~~—(5) Except where unauthorized use of utility service has occurred at a customer's premises within the past 2 years and the bill remains unpaid, during the space heating season a utility shall not require an eligible low-income customer, whose utility service has been shut off, to pay a fee for restoring service or a security deposit pursuant to the provisions of R 460.109 or R 460.110, before applying for protection under this rule.~~

~~—(6) Except where unauthorized use of utility service has occurred within the past 2 years at the premises where the customer has resided and the bill remains unpaid or safety is a concern, a utility may not require an amount greater than 1/12 of an arrearage owed in order to restore service or initiate participation in the winter protection plan~~

~~—(7) Winter protection provisions of these rules do not apply to customers who have been shut off or who have a pending shutoff for unauthorized use of utility service within the past 2 years at the customer's current premises until all charges are paid in accordance with these rules or satisfactory payment arrangements are made with the utility.~~

~~—(8) Upon request, the utility shall provide customers who enroll in the winter protection program with documentation that they are participating in the program.~~

~~—(9) Bills issued to customers participating in the winter protection program shall clearly identify the minimum amount that the customer must pay to prevent shutoff of service. Utilities may bill at higher amounts to recover past due amounts and the utility may encourage customers to pay amounts in excess of the minimum provided that the minimum payment is clearly designated on the bill.~~

~~—(10) Subject to prior commission approval, a utility may offer an optional shutoff protection program to its customers, provided that the optional shutoff protection program offers eligibility and shutoff protection that meets or exceeds the eligibility criteria and customer protections contained in subrule (1) of this rule. (1) A utility shall prepare a publication that summarizes, in easily understood terms, the rights and responsibilities of its customers pursuant to these rules and other applicable provisions of statutes, rules, and tariffs.~~

(2) A utility shall display the publication prominently at all utility office locations open to the general public and make it available to customers. A utility shall also make the information available on its website. A utility shall transmit the publication to each new customer via the customer's preferred method upon the commencement of service and shall provide it at all times upon request. When substantial revisions to or new information required by the provisions of subrule (3) of this rule occur, the utility shall provide the changes to all current customers by a bill insert, revised publication, or a periodical that is sent to all current customers of the utility and to the commission. The form of this transmittal shall be at the discretion of the utility.

(3) The publication shall contain all of the following information:

(a) Billing procedures and estimation standards.

(b) Methods for customers to verify billing accuracy and procedures to correct or change the customer's personal information associated with their account.

(c) Instructions on accessing customer data electronically and the information or data available through such access.

(d) An explanation of the power supply cost recovery or gas cost recovery procedures.

(e) Customer payment standards and procedures.

(f) Security deposit and guarantee standards.

(g) Shutoff and restoration of service procedures.

(h) Inquiry, service, and complaint procedures.

(i) Procedures for terminating service.

(j) Instructions on accessing the utility's data privacy tariff.

(4) Each publication shall indicate conspicuously that the publication is provided pursuant to the rules of the commission.

~~R 460.149 Winter protection plan for senior citizens. Access to rules and rates.~~

~~Rule 49. (1) A utility shall not shutoff service to an eligible senior citizen customer during the space heating season.~~

~~—(2) At the customer's request, a utility shall restore service to an eligible senior citizen customer during the space heating season without payment of the amount due, deposits, reconnection fees, or other charges.~~

~~—(3) At the conclusion of the space heating season, the utility shall reconcile the accounts of eligible senior citizen customers and permit them to pay any amounts owing in equal monthly installments between April 1 and October 31.~~

(1) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days of commencing service, within 60 days after issuance of a new rate case order, and at least once each year, all of the following information with a copy to the commission:

(a) A clear and concise explanation of all rates for which the customer may be eligible.

(b) A notice that complete rate schedules are available upon request.

(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.

(2) A rural electric cooperative shall provide to each customer, at least annually, all of the following information:

(a) A notice that complete rate schedules are available upon request.

(b) A notice that a clear and concise explanation of all rates for which the customer may be eligible is available upon request.

(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.

(3) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days after the utility has filed a general rate case application with the commission, all of the following information:

(a) A notice that the utility has requested that the commission change its rates.

(b) A notice that copies of the utility's application are available for inspection at all offices of the utility and on the utility's website.

(c) A notice that an explanation of the proposed changes to the utility's rates is available from the utility upon request.

(4) A rural electric cooperative shall provide to each customer, within a reasonable time after it has filed a general rate case application or a times interest earned ratio ratemaking application, all of the following information:

(a) A notice that the cooperative has requested that the commission change its rates.

(b) A notice that copies of the cooperative's application are available for inspection at all offices of the cooperative.

(c) A notice that an explanation of the proposed changes to the cooperative's rates is available from the cooperative upon request.

(5) A utility, including a rural electric cooperative, shall provide the notice required by this rule either through a publication that is transmitted to each of its customers by a bill insert, or whatever transmission method is used to provide the customer's bill and on its website.

(6) Upon request, a utility shall assist the customer in selecting the most economical rate schedule based on information supplied by the customer; however, selection of the appropriate rate is the responsibility of the customer. Once the selection is made, the customer shall stay on that rate not less than 12 months unless the customer notifies the

utility of permanent changes in the conditions of service that warrant a different rate schedule.

(7) A utility shall keep on file, at all offices of the utility, and shall provide public access to, all of the following documents:

(a) A copy of these rules.

(b) A copy of all other rules of the utility filed with the commission regarding customer service.

(c) Schedules of all residential rates and charges.

(d) Proposed rate schedules.

(e) Clear and concise explanations of both existing and proposed rate schedules.

(f) An explanation of its power supply cost recovery or gas cost recovery process.

(8) A utility shall post suitable signs in conspicuous locations at all bill payment offices that are operated by the utility or authorized agents calling attention to the fact that the rules, regulations, rate schedules, proposed rate schedules, explanations of rate schedules, and explanations of proposed rate schedules are on file and available for inspection. Upon request, a utility shall provide a copy of these rules, explanations, or schedules to a customer without charge.

R 460.150 ~~Military protections.~~ Complaint procedures.

~~Rule 50. (1) The utility shall not shutoff service to an eligible military customer for a period of 90 days. The utility shall continue to provide shutoff protection for at least one additional 90-day period as long as the customer meets all of the conditions for an eligible military customer and requests the utility to do so. After the close of the last 90-day period, the utility shall require the customer to pay any past due amounts in equal monthly payments over a period of up to 12 months.~~

~~—(2) The utility shall provide the eligible military customer with information on payment assistance programs.~~

(1) A utility shall establish complaint procedures, promptly and thoroughly investigate customer complaints, and, when possible, resolve all customer inquiries, service requests, and complaints and report the resolution of commission-referred complaints to the commission staff.

(2) The utility shall keep records of customer complaints that will enable the utility to review and analyze its procedures and actions. The records shall be available to the commission.

(3) After referral of a customer's complaint from the commission, a utility shall make reasonable attempts to contact the customer within 2 business days and shall develop and report to the commission within 10 days after referral its plan for resolution of the complaint.

(4) A utility shall provide to customers who are not satisfied with the utility's resolution of a complaint or inquiry the toll-free telephone number and internet address of the commission.

(5) A utility shall obtain commission approval of any substantive changes in its procedures.

R 460.151 ~~Disputed claim.~~ Reporting requirements.

~~Rule 51. (1) If a customer advises a utility, or if the utility is notified by a regulation officer on behalf of a customer, before the date of the proposed shutoff of service that all or part of a bill is in dispute, then the utility shall do all of the following:~~

- ~~—(a) Immediately record the date, time, and place the customer made the complaint and transmit verification to the customer.~~
- ~~—(b) Investigate the dispute promptly and completely.~~
- ~~—(c) Advise the customer of the results of the investigation.~~
- ~~—(d) Attempt to resolve the dispute informally in a manner that is satisfactory to both parties.~~
- ~~—(e) Provide the opportunity for the customer to settle the disputed claim or to satisfy any liability that is not in dispute.~~
- ~~—(2) A customer may advise a utility that a claim is in dispute in any reasonable manner, such as by written notice, in person, by a telephone call directed to the utility, or through a regulation officer.~~
- ~~—(3) A utility, in attempting to resolve the dispute, may employ telephone communication, personal meetings, on-site visits, or any other method that is reasonably conducive to obtaining a settlement. A utility shall file with the commission quarterly reports that disclose all of the following:~~
 - (a) The payment performance of its customers in relation to established due and payable periods.**
 - (b) The number and general description of all complaints registered with the utility.**
 - (c) The number of shut off notices issued by the utility and the reasons for the notices.**
 - (d) The number of hearings held by the utility, the types of disputes involved, and the number of complaint determinations issued.**
 - (e) The number of written settlement agreements entered into by the utility.**
 - (f) The number of shut offs of service and the number of reconnections.**
 - (g) Any other customer service quality information requested by the commission staff.**

R 460.152 Utility hearing and hearing officers. Inspection.

- Rule 52. ~~(1) If the parties are unable to resolve the dispute, the utility shall offer the customer the opportunity for an informal hearing before a hearing officer selected from a list of hearing officers filed with the commission.~~
- ~~—(2) If the customer chooses to have an informal hearing, the customer shall do both of the following:~~
- ~~—(a) Notify the utility within 5 business days of the utility offer for a hearing.~~
 - ~~—(b) Pay the amount not in dispute or if the utility and customer cannot agree, pay 50% of the disputed amount not to exceed \$100.~~
 - ~~—(3) If the customer notifies the utility of the intent to pursue an informal hearing, then the utility shall do both of the following:~~
 - ~~—(a) Complete the necessary investigation.~~
 - ~~—(b) Schedule the hearing within 10 business days.~~
 - ~~—(c) Hold the hearing within 30 business days of the customer's request for a hearing.~~
 - ~~—(4) If the customer fails to pay the part of the bill that is determined under subrule (2)(b) of this rule within 10 business days of the date that the utility sends the hearing notice, the utility may exercise its right to shut off service pursuant to these rules.~~
 - ~~—(5) A utility shall select hearing officers on the basis of all of the following:~~
 - ~~—(a) They are on the list of hearing officers on file with the commission.~~
 - ~~—(b) They shall be notaries public qualified to administer oaths.~~
 - ~~—(c) They shall not be engaged in any other activities for or on behalf of the utility.~~
 - ~~—(d) They shall comply with part 10 of these rules.~~

~~—(6) If the dispute is ultimately resolved in favor of the customer, in whole or in part, the utility shall return promptly any excess amount paid by the customer, with interest at the rate specified pursuant to the provisions of R 460.111(7).~~ **A utility shall permit authorized staff of the commission to inspect all of the utility's operations that relate to customer service.**

~~R 460.153 Notice of hearing.~~ **Customer access to consumption data and confidentiality.**

~~Rule 53. (1) The utility shall send or personally serve the customer with written notice of the time, date, and place of the hearing on the day scheduling is determined.~~

~~—(2) The notice shall describe the hearing procedures as contained in these rules.~~

~~—(3) Notice shall include amount of required payment and due date of 10 business days from the date of notice.~~ **(1) A utility shall provide to each customer, upon request, a clear and concise statement of the customer's actual energy usage, or weather adjusted consumption data for each billing period during the last 12 months, or both. A utility shall notify its customers at least once each year by whatever method is used to transmit the customers' bills, that a customer may request energy usage, or weather-adjusted consumption data, or both.**

(2) Each electric and natural gas utility shall file with the commission, for the commission's approval, a customer data privacy tariff that contains a customer data privacy policy. The privacy policy shall do all of the following:

(a) Encompass all customer information or data collected or maintained by the utility.

(b) Clearly define customer information or data that the utility collects or maintains.

(c) Protect all customer information or data collected for the utility from unauthorized use or disclosure by the utility, its affiliates, or contractors.

(d) Ensure that, for secondary purposes, customer usage data, personally identifiable information, and certain other customer information are only disclosed to third parties with the customer's written consent.

(e) Specify that customer information may be disclosed without consent in response to a warrant or court order, as required for collection activities, or as necessary for primary purposes.

(f) Permit a customer to share his or her information with a third party that is not affiliated with the utility. The utility may elect to insert language in the privacy policy stating that the utility is not responsible, in this circumstance, for a third party's unauthorized disclosure or use of this information.

(g) Provide clear instructions regarding the method by which a third party, authorized by the customer, may obtain customer usage data from the utility.

(h) Indicate that the policy does not apply to aggregate data, containing general characteristics of a customer group, which is used for analysis, reporting, or program design purposes.

(3) The privacy policy shall be posted on the utility's website.

PART 10. DISPUTED CLAIMS, HEARINGS AND SETTLEMENTS

~~R 460.154 Hearing procedures.~~ **Disputed matters.**

~~Rule 54. (1) A utility shall establish hearing procedures that, at a minimum, shall be subject to investigation and review by the commission to ensure the impartiality and integrity of the hearing process and that provide the customer and the utility with all of the following rights:~~

- ~~—(a) The right to represent themselves, to be represented by counsel, or to be assisted by persons of their choice.~~
- ~~—(b) The right to examine, not less than 2 business days before a scheduled hearing, a list of all witnesses who will testify and all documents, records, files, account data, and similar material that may be relevant to the issues to be raised at the hearing.~~
- ~~—(c) The right to present evidence, testimony, and oral and written argument.~~
- ~~—(d) The right to question witnesses appearing on behalf of the other party.~~
- ~~—(2) A hearing shall be held during normal business hours. A utility shall take reasonable steps to ensure that a customer who is unable to attend a hearing due to physical incapacity is not denied the right to a hearing. Failure of the customer, or the utility, to attend the hearing without a good reason, or without having requested an adjournment, constitutes a waiver of the right of that party to the hearing.~~
- ~~—(3) The utility has the burden of proof by a preponderance of the evidence.~~
- ~~—(4) All witnesses who appear for either party shall testify under oath.~~
- ~~—(5) A hearing shall be informal and the proceedings need not be recorded or transcribed. All relevant evidence shall be received and the formal rules of evidence shall not apply.~~
- ~~—(6) For each hearing, the hearing officer shall compile a record that contains all of the following:~~
 - ~~—(a) A concise statement, in writing, of the position of the utility.~~
 - ~~—(b) A concise statement, in writing, of the position of the customer. If the customer has not put his or her position in writing, then the hearing process shall provide a method for accomplishing this writing with the opportunity for proper acknowledgment by the customer.~~
 - ~~—(c) Copies of all evidence submitted by the parties.~~
- ~~—(7) At the conclusion of the hearing, the hearing officer may orally state his or her findings, the decision, or adjourn the hearing and inform the parties that the decision will be transmitted within 7 business days. At the request of the customer, the hearing officer shall adjourn the hearing and transmit the decision within 7 business days. In all cases, the hearing officer shall issue a complaint determination in a form that is approved by the commission. The complaint determination shall contain both of the following:~~
 - ~~—(a) A concise summary of the evidence and arguments presented by the parties.~~
 - ~~—(b) The decision, and the reasons for the decision, of the hearing officer based solely upon the evidence received.~~
- ~~—(8) At the conclusion of the hearing and again upon issuance of the complaint determination, the hearing officer shall advise the customer and the utility of all of the following:~~
 - ~~—(a) That each party has a right to make an informal appeal to the commission staff, by mail, telephone, internet, fax, or in person, within 7 business days of issuance of the complaint determination.~~
 - ~~—(b) That, if appealed, the decision of the hearing officer, including a finding that service may be shut off, cannot be implemented until a review by the commission staff is completed.~~
 - ~~—(c) The address and telephone number where the customer or the utility may make an informal appeal to the commission staff.~~
- ~~—(9) Before issuance of a complaint determination, the hearing officer may propose a settlement to the parties. If both parties accept the settlement, it shall be put in writing and signed by both parties.~~
- ~~—(10) Within 7 business days of the conclusion of the hearing, the hearing officer shall serve the parties with all of the following:~~

- ~~—(a) A copy of the complaint determination.~~
 - ~~—(b) Appeal information as provided in subrule (8) of this rule.~~
 - ~~—(c) If applicable, a copy of the signed settlement agreement.~~
 - ~~—(11) The complaint determination and a copy of the signed settlement agreement, if any, shall be made part of the hearing record. The hearing officer shall certify the hearing record.~~
 - ~~—(12) The complaint determination is binding upon the parties, unless appealed, as provided in these rules.~~
- (1) If a customer advises a utility, or if the utility is notified by a regulation officer on behalf of a customer, before the date of the proposed shut off of service, that all or part of a bill is in dispute, then the utility shall do all of the following:**
- (a) Immediately record the date, time, and place the customer made the complaint and transmit verification to the customer.**
 - (b) Investigate the dispute promptly and completely.**
 - (c) Advise the customer of the results of the investigation.**
 - (d) Attempt to resolve the dispute informally in a manner that is satisfactory to both parties.**
 - (e) Provide the opportunity for the customer to settle the disputed claim or to satisfy any liability that is not in dispute.**
- (2) A customer may advise a utility that a matter is in dispute in any reasonable manner, such as by written notice, in person, by a telephone call directed to the utility, or through a regulation officer.**
- (3) A utility, in attempting to resolve the dispute, may employ telephone communication, personal meetings, on-site visits, or any other method that is reasonably conducive to obtaining a settlement.**
- (4) If the utility has resolved the matter in dispute but the customer remains dissatisfied, the utility shall inform the residential or small nonresidential customer of the right to request a customer hearing and the procedure for requesting the hearing. The utility shall also inform the customer that they contact the commission to file a complaint. Unless the customer takes action by either requesting a customer hearing or taking its dispute to the commission, the matter in dispute shall be considered closed.**

R 460.155 ~~Settlement agreement.~~Customer hearing and hearing officers for residential and small nonresidential customers.

~~Rule 55. (1) If the utility and the customer arrive at a mutually satisfactory settlement of a claim in dispute or if the customer does not dispute liability to the utility, but claims the inability to pay the outstanding bill in full, then a utility shall offer the customer the opportunity to enter into a settlement agreement.~~

~~—(2) The utility shall confirm the terms of the settlement agreement with the customer and shall send a signed copy of the settlement to the customer or the customer's authorized representative. The utility shall retain documentation of the original settlement agreement for 2 years. In case of a dispute over the terms of a settlement agreement, the utility shall have the burden of proving that the customer understood and accepted the terms of the settlement agreement.~~

~~—(3) In negotiating a settlement agreement due to the customer's inability to pay an outstanding bill in full, the utility shall not require the customer to pay more than a reasonable amount of the outstanding bill upon signing the agreement and not more than reasonable installments until the remaining balance is paid.~~

~~—(4) For purposes of determining reasonableness, the parties shall consider all of the following factors:~~

~~—(a) The size of the delinquent account.~~

~~—(b) The customer's ability to pay.~~

~~—(c) The time that the debt has been outstanding.~~

~~—(d) The reasons that the customer has not paid the bill.~~

~~—(e) The customer's payment history.~~

~~—(f) Any other relevant factors concerning the circumstances of the customer.~~

~~—(5) A settlement agreement that is offered by a utility shall state, immediately preceding the space provided for the customer's signature and in bold print that is not less than 2 sizes larger than any other print that is used on the form: "IF YOU ARE SEEKING PAYMENT ASSISTANCE FROM A SOCIAL SERVICE AGENCY, SIGNING THIS AGREEMENT MAY PREVENT YOU FROM GETTING EMERGENCY ASSISTANCE. LET US KNOW IF YOU ARE WORKING WITH AN AGENCY. IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. YOU MAY FILE AN INFORMAL COMPLAINT AND HAVE A HEARING BEFORE A HEARING OFFICER BEFORE YOUR SERVICE MAY BE SHUT OFF. IF YOU DO SIGN THIS AGREEMENT, YOU GIVE UP YOUR RIGHT TO AN INFORMAL HEARING BEFORE A HEARING OFFICER ON ANY MATTER INVOLVED IN THIS DISPUTE EXCEPT THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT. IF YOU HAVE AN UNEXPECTED LOSS OR REDUCTION OF INCOME AFTER THIS AGREEMENT IS SIGNED, YOU MAY REQUEST A REVIEW AND MODIFICATION OF THIS AGREEMENT"~~ (1) If the parties are unable to resolve the dispute, the utility shall offer the customer the opportunity for a customer hearing before a hearing officer selected from a list of hearing officers filed with the commission.

(2) If the customer requests a customer hearing with the utility or with the commission regulation officer, the utility shall place a hold on any action to shut off or suspend service until 1 of the following occurs:

(a) The customer fails to complete his or her responsibilities required for a customer hearing.

(b) The customer withdraws the request.

(c) The utility and the customer settle the dispute.

(d) The customer hearing officer issues a decision finding that shut off or suspension of service is appropriate.

(3) The utility shall accept notification from a regulation officer of a customer's request for a customer hearing.

(4) If the parties are unable to resolve the dispute, the utility shall offer the customer the opportunity for an informal hearing before a hearing officer selected from a list of hearing officers filed with the commission.

(5) If the customer chooses to have a customer hearing, the customer shall do both of the following:

(a) Notify the utility within 5 business days of the utility's offer for a hearing.

(b) Pay the amount not in dispute, or if the utility and customer cannot agree, pay 50% of the disputed amount not to exceed \$100.00.

(6) If the customer notifies the utility of the intent to pursue an informal hearing, then the utility shall do all of the following:

(a) Complete the necessary investigation.

- (b) Schedule the hearing within 10 business days of the customer's request for a hearing.
- (c) Hold the hearing within 45 business days of the customer's request for a hearing.
- (7) If the customer fails to pay the part of the bill that is determined under subrule (5)(b) of this rule within 15 business days of the date that the utility sends the hearing notice, the utility may exercise its right to shut off service pursuant to these rules.
- (8) A utility shall select hearing officers who meet all of the following requirements:
 - (a) They are on the list of hearing officers on file with the commission.
 - (b) They are notaries public who are qualified to administer oaths.
 - (c) They are not a past or present employee of the utility, and they are not engaged in or have not been engaged in any other activities that would cause bias or lack of objectivity.
 - (d) They comply with part 10 of these rules, R 460.154 to R 460.159.
- (9) In January of each year, utilities shall provide to the commission's executive secretary the name or names of selected hearing officers and update those lists as necessary. Upon notice to the commission, a hearing officer, other than those on the list, may be used subject to the requirements specified in subrule (8) of this rule.
- (10) If the dispute is ultimately resolved, in whole or in part, in favor of the customer, the utility shall return promptly any excess amount paid by the customer, with interest at the rate specified pursuant to R 460.111(8).

R 460.156 Default of settlement agreement. Notice of hearing.

~~Rule 56.(1) If a customer fails to comply with the terms and conditions of a settlement agreement, a utility may shut off service after giving the customer a notice, by personal service or first class mail, that contains all of the following information:~~

- ~~—(a) That the customer is in default of the settlement agreement.~~
- ~~—(b) The nature of the default.~~
- ~~—(c) That unless the customer pays in full within 10 business days of the date of mailing, the utility may shut off service.~~
- ~~—(d) The date on or after which the utility may shut off service.~~
- ~~—(e) That the customer has a right to request a hearing before a hearing officer selected from a list on file with the commission, only if the customer alleges that the utility has failed or refused to follow the terms of the settlement agreement.~~
- ~~—(f) The address and telephone number where the customer may file the request for a hearing with the utility.~~

~~—(2) A utility is not required to enter into a subsequent settlement agreement with a customer until he or she has complied fully with the terms of a previous settlement agreement, unless the customer demonstrates a significant change in economic circumstances and requests a modification of the settlement agreement as provided by R 460.155(5).~~

~~—(3) A utility is not required to enter into a subsequent settlement agreement with a customer who defaulted on the terms and conditions of an agreement within the last 12 months.~~

~~—(4) If the customer and utility reach a settlement agreement following a notice of shutoff, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days of the agreement constitutes a waiver of the notice required by subrule (1) of this rule. The utility may shut off service after notice as described in the provisions of R 460.138, R 460.139, or R 460.142, if applicable.~~

(1) On the day a utility schedules the hearing, the utility shall send or personally serve the customer with written notice of the time, date, and place of the hearing.

- (2) The notice shall describe the hearing procedures as specified in R 460.157.**
- (3) The notice shall specify the amount of required payment and the due date, which shall be 10 business days from the date the notice was sent to the customer.**

R 460.157 ~~Same dispute.~~ Customer hearing procedures.

~~Rule 57. A utility may choose not to respond to a customer complaint or dispute that involves the same question or issue based upon the same facts, and is not required to comply with these rules more than once before shutoff of service. The utility shall provide notice to the customer that the complaint has been dismissed under this rule.~~

(1) A utility shall establish hearing procedures that ensure the impartiality and integrity of the hearing process and that provide the customer and the utility with all of the following rights:

(a) The right to represent themselves, to be represented by counsel, or to be assisted by persons of their choice.

(b) The right to examine, not less than 2 business days before the scheduled hearing, a list of all witnesses who will testify and all documents, records, files, account data, and similar material that may be relevant to the issues to be raised at the hearing.

(c) The right to present evidence, testimony, and oral and written arguments.

(d) The right to question witnesses who will be appearing on behalf of the other party.

(2) A hearing shall be held during normal business hours, except as otherwise agreed to by all parties. A utility shall take reasonable steps to ensure that a customer who is unable to attend the hearing due to physical incapacity is not denied the right to a hearing. Failure of the customer, or the utility, to attend the hearing without a good reason, or without having requested an adjournment, constitutes a waiver of the right of that party to the hearing.

(3) For the convenience of the parties, a hearing officer may conduct the hearing by telephone or other electronic media. In this case, all parties shall provide any documents to be introduced at the hearing to the other parties and the hearing officer at least 2 business days in advance of the hearing date.

(4) The utility has the burden of proof by a preponderance of the evidence.

(5) All witnesses who appear for either party shall testify under oath.

(6) A hearing shall be informal and the proceedings do not have to be recorded or transcribed. All relevant evidence shall be received and the formal rules of evidence shall not apply.

(7) For each hearing, the hearing officer shall compile a hearing record that includes all of the following:

(a) A concise statement, in writing, of the position of the utility.

(b) A concise statement, in writing, of the position of the customer. If the customer has not put his or her position in writing, then the hearing process shall provide a method for accomplishing this writing with the opportunity for proper acknowledgment by the customer.

(c) Copies of all evidence submitted by the parties.

(8) At the conclusion of the hearing, the hearing officer may orally state his or her findings and the decision; or, may adjourn the hearing and inform the parties that the decision will be transmitted to them within 10 business days. At the request of the customer, the hearing officer shall adjourn the hearing and transmit the decision to the parties within 10 business days of the conclusion of the hearing. In either case, the hearing

officer shall issue a complaint determination in a form that is approved by the commission. The complaint determination shall contain both of the following:

- (a) A concise summary of the evidence and arguments presented by the parties.
- (b) The decision, and the reasons for the decision, based solely on the evidence received.
- (9) At the conclusion of the hearing and again upon issuance of the complaint determination, the hearing officer shall advise the customer and the utility of all of the following:
 - (a) That each party has a right to appeal the decision to the commission staff, by mail, telephone, internet, fax, or in person, within 15 business days of issuance of the complaint determination.
 - (b) That, if appealed, the decision of the hearing officer, including a finding that service may be shut off, cannot be implemented until the commission staff completes a review.
 - (c) The address and telephone number where the customer or the utility may make an informal appeal to the commission staff.
- (10) Before issuance of a complaint determination, the hearing officer may propose a settlement to the parties. If both parties accept the settlement, it shall be put in writing and both parties shall sign the settlement agreement.
- (11) Within 10 business days of the conclusion of the hearing, the hearing officer shall serve the parties with all of the following:
 - (a) A copy of the complaint determination.
 - (b) Appeal information as provided in subrule (9) of this rule.
 - (c) If applicable, a copy of the signed settlement agreement as provided in subrule (10) of this rule.
- (12) The complaint determination and a copy of the signed settlement agreement, if any, shall be made part of the hearing record. The hearing officer shall certify the hearing record.
- (13) The complaint determination is binding upon the parties, unless appealed, as provided in R 460.160 to R 460.169.
- (14) A utility's hearing procedures shall be subject to investigation and review by the commission.

R 460.158 ~~Informal appeal.~~ Settlement agreement procedures for residential and small nonresidential customers.

Rule 58. ~~Within 7 business days after a hearing officer issues a written complaint determination, either party may make an informal appeal to the commission staff.~~ (1) If the utility and the customer arrive at a mutually satisfactory settlement of a matter in dispute, then the utility may offer the customer the opportunity to enter into a settlement agreement, and the customer shall provide written documentation of approval.

(2) The utility shall confirm the terms of the settlement agreement with the customer and shall provide documentation of the settlement to the customer or the customer's authorized representative. The utility shall retain documentation of the original settlement agreement for the term of the settlement agreement or 2 years, whichever is longer. In case of a dispute over the terms of a settlement agreement, the utility shall have the burden of proving that the customer understood and accepted the terms of the settlement agreement.

(3) Services shall not be shut off if the customer follows the terms of the settlement agreement.

(4) A settlement agreement that is offered by a utility shall state, immediately preceding the space provided for the customer's signature and in bold print that is not less than 2 sizes larger than any other print that is used on the form: "IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. YOU MAY FILE A CUSTOMER COMPLAINT AND HAVE A HEARING BEFORE A HEARING OFFICER BEFORE YOUR SERVICE MAY BE SHUT OFF. IF YOU SIGN THIS AGREEMENT, YOU GIVE UP YOUR RIGHT TO A CUSTOMER HEARING BEFORE A HEARING OFFICER ON ANY MATTER INVOLVED IN THIS DISPUTE, EXCEPT THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT."

~~R 460.159 Filing procedures.~~ **Default of settlement agreement procedures for residential and small nonresidential customers.**

~~Rule 59. (1) A party may make an informal appeal in any reasonable manner. The informal appeal need not be in writing and may be initiated by telephone, by internet, by mail, by fax, or in person at the offices of the commission.~~

~~—(2) The appealing party shall provide all of the following information:~~

~~—(a) Name and address of the customer.~~

~~—(b) Name of the utility involved.~~

~~—(c) The nature of the original complaint in a clear and concise manner.~~

~~—(d) The hearing officer's decision.~~

~~—(e) The relief requested.~~

(1) If a customer fails to comply with the terms and conditions of a settlement agreement, the utility may shut off service after notifying the customer in writing, by personal service, or first-class mail of the following information:

(a) That the customer is in default of the settlement agreement.

(b) The nature of the default.

(c) That unless the customer pays in full the amount due within 10 business days of the date of mailing, the utility may shut off service.

(d) The date the utility may shut off service.

(e) That the customer has a right to do either of the following:

(i) Request a hearing before a hearing officer selected from a list on file with the commission, but only if the customer alleges that the utility has failed or refused to follow the terms of the settlement agreement.

(ii) File a formal hearing request pursuant to the commission's rules of practice and procedure in R 792.10101 to R 792.11903.

(f) The address and telephone number where the customer may file the request for a hearing with the utility or the commission.

(2) If the customer and the utility reach a settlement agreement following a notice of shutoff, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days of the agreement constitutes a waiver of the notice required by subrule (1) of this rule. The utility may shut off service after notice as described in R 460.137.

PART 11. COMMISSION APPEAL PROCEDURES

~~R 460.160 Informal appeal procedures.~~ **Customer hearing appeal.**

~~Rule 60. (1) The commission staff shall assign the informal appeal to a regulation officer. The officer shall have all of the following responsibilities:~~

~~—(a) Advising the appealing party of the procedures of the commission by telephone or in writing.~~

~~—(b) Advising the other party that an informal appeal has been filed.~~

~~—(c) Issuing interim determinations as necessary.~~

~~—(d) Reviewing or investigating the appeal as provided in these rules.~~

~~—(e) Issuing an informal appeal decision.~~

~~—(2) Upon notification by the commission staff that an informal appeal has been made, the utility shall promptly file, with the commission staff, the certified hearing record. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record. In arriving at the informal appeal decision, the regulation officer shall not be required to receive or consider any additional evidence or information.~~

~~—(3) In all informal appeals, the utility has the burden of proof by a preponderance of the evidence. **Within 15 business days after a hearing officer issues a written complaint determination, either party may make an informal appeal to the commission staff.**~~

R 460.161 Interim determination.Filing procedures.

~~Rule 61. (1) After receiving the hearing record and pending the final resolution of an informal appeal, the regulation officer may issue an interim determination with appropriate terms and conditions. In the case of an appeal regarding a bill or deposit, the regulation officer may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the shutoff of service as provided in these rules. The regulation officer may consider the amounts that reasonably appear to reflect the cost of utility service in determining the undisputed portion of a claim.~~

~~—(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing of the interim determination by first class mail, then the utility may shut off service as provided in these rules. **(1) A party may make a customer hearing appeal which does not have to be in writing but may be initiated by telephone, internet, mail, fax, or in person at the offices of the commission.**~~

~~**(2) The appealing party shall provide all of the following information:**~~

~~**(a) Name and address of the customer.**~~

~~**(b) Name of the utility involved.**~~

~~**(c) The nature of the original complaint in a clear and concise manner.**~~

~~**(d) The hearing officer's decision.**~~

~~**(e) The relief requested.**~~

R 460.162 Appeal review.Customer hearing appeal procedures.

~~Rule 62. The regulation officer shall review the informal appeal thoroughly and, when necessary, conduct further investigation. A party may offer new evidence if the regulation officer determines that it is relevant. When further investigation is necessary, the regulation officer may request additional evidence or, at his or her own initiative, may hold an informal appeal conference with the parties or their representatives at a time and place designated by the officer. If either party fails to appear at the informal conference without a good reason or without having requested an adjournment, the right of the absent party to appear at the~~

~~conference shall be waived. At an informal appeal conference, the parties may do all of the following:~~

- ~~—(a) Represent themselves, be represented by counsel, or be assisted by other persons of their choice.~~
- ~~—(b) Offer oral and documentary evidence, which may be considered at the discretion of the regulation officer.~~
- ~~—(c) Refute, in a reasonable manner, the evidence of the other party.~~
- ~~—(d) Submit an oral or written statement of position.~~

(1) The commission staff shall assign the customer hearing appeal to a regulation officer who shall do all of the following:

(a) Advise the appealing party by telephone or in writing of the procedures of the commission.

(b) Advise the other party that a customer hearing appeal has been filed.

(c) Issue interim determinations as necessary and as provided in R 460.163.

(d) Review or investigate the appeal.

(e) Issue a customer hearing appeal decision.

(2) Upon notification by the commission staff that a customer hearing appeal has been made, the utility shall promptly file with the commission staff, the certified hearing record. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record. In arriving at the customer hearing appeal decision, the regulation officer shall not be required to receive or consider any additional evidence or information.

(3) In all customer hearing appeals, the utility has the burden of proof by a preponderance of the evidence.

R 460.163 ~~Shutoff pending decision.~~Interim determination.

~~Rule 63. A utility shall not shut off service or issue a notice of shutoff related to the matter in dispute pending the decision of the commission staff, except pursuant to the terms of an interim determination.~~ **(1) After receiving the hearing record and pending the final resolution of a customer hearing appeal, the regulation officer may issue an interim determination with appropriate terms and conditions. In the case of an appeal regarding a bill or deposit, the regulation officer may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the shut off of service. The regulation officer may consider the amounts that reasonably appear to reflect the cost of utility service in determining the undisputed portion of a claim.**

(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing of the interim determination by first-class mail, then the utility may shut off service as provided in R 460.137.

R 460.164 ~~Informal appeal decision.~~Appeal review.

~~Rule 64. The regulation officer shall, within 30 days after the utility files the certified record, issue a written informal appeal decision affirming, modifying, or reversing the informal hearing determination. In reversing or modifying the informal hearing determination, the decision shall set forth the terms and conditions for continued service, shutoff, or a proposed settlement agreement as required by the facts and circumstances. The decision shall state the relevant findings of fact, the reasons for the decision, and remedies for failure to comply with the informal appeal decision. A copy of the informal appeal decision shall be served personally, or by first-class mail, on the parties.~~ **The regulation officer shall**

thoroughly review the customer hearing appeal and, when necessary, conduct further investigation. A party may offer new evidence if the regulation officer determines that it is relevant. When further investigation is necessary, the regulation officer may request additional evidence or, at his or her own initiative, may hold a customer hearing appeal conference with the parties or their representatives at a time and place designated by the officer. If either party fails to appear at the conference without a good reason or without having requested an adjournment, the right of the absent party to appear at the conference shall be waived. At the customer hearing appeal conference, the parties may do any of the following:

- (a) Represent themselves, be represented by counsel, or be assisted by other persons of their choice.
- (b) Offer oral and documentary evidence, which may be considered at the discretion of the regulation officer.
- (c) Refute, in a reasonable manner, the evidence of the other party.
- (d) Submit an oral or written statement of position.

R 460.165 ~~Failure to comply with informal appeal decision.~~ Customer hearing appeal decision.

Rule 65. ~~Failure of either party to comply with the decision within 10 days from the date of service by mailing shall permit implementation of the action or remedy provided by the decision.~~ The regulation officer shall, within 30 days after the utility files the certified record, issue a written customer hearing appeal decision affirming, modifying, or reversing the customer hearing determination. In reversing or modifying the customer hearing determination, the decision shall set forth the terms and conditions for continued service, shut off, or a proposed settlement agreement as required by the facts and circumstances. The decision shall state the relevant findings of fact, the reasons for the decision, and remedies for failure to comply with the customer hearing appeal decision. A copy of the customer hearing appeal decision shall be served personally, or by first-class mail, on the parties.

R 460.166 ~~Same dispute.~~ Failure to comply with customer hearing appeal decision.

Rule 66. ~~The commission staff may dismiss a subsequent informal appeal that involves the same question or issue based upon the same facts without following every procedure set forth in these rules.~~ Failure of either party to comply with the decision within 10 days after the date that decision was served by mail shall permit implementation of the action or remedy provided by the decision.

R 460.167 ~~Formal appeal.~~ Same dispute.

Rule 67. ~~Either party may appeal the decision of the regulation officer by filing a formal hearing request in accordance with the rules of practice and procedure before the commission. If a formal hearing request is filed, the terms of the informal appeal decision shall be held in abeyance unless otherwise ordered by the commission or the presiding officer who is assigned to the formal complaint.~~ The commission staff may dismiss a subsequent informal appeal that involves the same question or issue based upon the same facts without following every procedure set forth in these rules.

R 460.168 ~~Other remedies.~~ Formal appeal.

Rule 68. ~~Nothing in these provisions shall be construed to prevent a party from pursuing appropriate legal and equitable remedies at any time.~~ **Either party may appeal before the commission the decision of the regulation officer by filing a formal hearing request pursuant to the rules of practice and procedure before the commission in R 792.10101 to R 792.11903. If a formal hearing request is filed, the terms of the customer hearing appeal decision shall be held in abeyance unless otherwise ordered by the commission or the presiding officer who is assigned to the formal complaint.**

R 460.169 ~~Scope of rules.~~ **Other remedies.**

~~—Rule 69. (1) Nothing contained in these rules covering consumer standards and billing practices shall be implemented in a manner that circumvents or is inconsistent with utility rules, orders, or tariffs approved by the commission to ensure the safe and reliable delivery of energy service.~~

~~—(2) After notice and an opportunity to be heard, utilities determined by the commission to be in violation of these rules shall be subject to all damages and fines contained within the statutes under which these rules are promulgated.~~

~~—(3) Upon written request of a person, utility, or on its own motion, the commission may temporarily waive any requirements of these rules when it determines the waiver will further the effective and efficient administration of these rules and is in the public interest.~~ **Nothing in these rules shall be construed to prevent a party at any time from pursuing appropriate legal and equitable remedies.**

NOTICE OF PUBLIC HEARING

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
REGARDING THE PROMULGATION OF ADMINISTRATIVE RULES
GOVERNING CONSUMER STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL
AND NONRESIDENTIAL ELECTRIC AND GAS SERVICE
CASE NO. U-18120; ORR #2014-038LR and #2014-037LR**

- The Michigan Public Service Commission is considering the promulgation of amended rules governing consumer standards and billing practices for residential and nonresidential electric and gas service, to be located at R 460.101 to R 460.169. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed rules.
- The information below describes how a person may participate in this case.
- You may contact the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909, (800) 292-9555 for a free copy of the proposed rules. Any person may review the rules on the Commission's E-Docket Website at michigan.gov/mpscedockets. The rules will be published in the August 15, 2016 issue of the Michigan Register under ORR #2014-037 LR and #2014-038 LR, and may be accessed at the ORR website, <http://w3.lara.state.mi.us/orr/Rules.aspx?type=dept&id=LR>, under "Recent and Pending Rule Changes."
- The public hearing will be held:

DATE: September 22, 2016

TIME: 9:00 a.m.

LOCATION: 7109 W. Saginaw Hwy.
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. People needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 at least a week in advance to request mobility, visual, hearing or other assistance.

This is a proposal to adopt rules governing consumer standards and billing practices for residential and nonresidential electric and gas service. The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed rules. The public hearing will continue until all parties

present have had a reasonable opportunity to present statements regarding the proposed rules. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on October 13, 2016. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to mpscedockets@michigan.gov. If you require assistance, contact Commission staff at (517) 284-8090 or by e-mail at mpscedockets@michigan.gov. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure. All comments should reference Case No. U-18120. Please do not include information you wish to remain private.

Jurisdiction is pursuant to section 7 of 1909 PA 106, section 2 of 1909 PA 300, section 5 of 1919 PA 419, sections 4 and 6 of 1939 PA 3, and sections 3, 9, and 231 of 1965 PA 380, MCL 460.557, MCL 460.55, MCL 460.4, MCL 460.6, MCL 462.2(12), MCL 16.103, MCL 16.109, and MCL 16.331.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~COMMUNITY~~ HEALTH AND HUMAN SERVICES

**~~HEALTH POLICY AND REGULATION~~ ADMINISTRATION POLICY, PLANNING AND
LEGISLATIVE ADMINISTRATION**

CERTIFICATE OF NEED

Proposed June 9, 2016

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under Section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of ~~public~~ health **and human services** by sections 2226, ~~2233~~**2333**, and 22255 of 1978 PA 368, MCL 333.2226, 333.2333, and 333.22255, ~~and Executive Reorganization Order No. 1996-1, MCL 330.101.~~)

R 325.9101, R 325.9215, and R 325.9413 of the Michigan Administrative Code are amended as follows:

R 325.9101 Definitions; A to D.

Rule 101. As used in these rules:

(a) "Applicant" means the person, as defined in section 1106 of the code, or a governmental entity, as defined in section 1104 of the code, applying for a certificate of need and authorized to conduct business in this state.

(b) "Application" means the department forms, in electronic or in paper format, that are currently in effect at the time the application is submitted, and any information or documentation prespecified in the forms to be provided as attachments or supplements

(c) "Appropriate regional certificate of need review agency" means the regional certificate of need review agency that the department designates under section 22226 of the code that is within the geographical review area where an applicant proposes to locate a project.

(d) "Bureau" means the administrative unit of the department that the director designates as responsible for the certificate of need program.

(e) "Code" means 1978 PA 368, MCL 333.1101 **to 333.25211**.

(f) "Comparative group" means the applications ~~which~~ **that** have been grouped for the same type of project in the same planning area that are being reviewed comparatively according to these rules.

(g) "Completed application," except as provided in R 325.9229, means the application submitted by the applicant, including any additional information provided by the applicant on or before the date the application is deemed complete under R 325.9201(3).

(h) "Completed project" means a project that the department has determined both of the following:

(i) That all activities and construction necessary to offer the services, beds, facilities, or equipment approved by a certificate of need have been executed in compliance with the terms and conditions of the certificate of need.

(ii) That the project has been implemented as defined in R 325.9103(b).

(i) “Department” means the Michigan department of ~~community~~ **health and human services**.

(j) “Director” means the director of the Michigan department of ~~community~~ **health and human services**.

R 325.9215 Amendments to applications before proposed decision is issued by the bureau.

Rule 215. (1) An applicant shall not amend an application subject to a comparative review after the designated application date established under R 325.9123, except to the extent that additional information is requested by the department to make the application complete under R 325.9201 or R 325.9229(6) or as provided for in R 325.9207(2)(b). A person desiring to amend an application may do any of the following:

(a) Withdraw the amendment.

(b) Have the project considered under a new application on a subsequent designated application date.

(c) If the application is subject to comparative review, amend the application if all applicants in the comparative group agree to allow an amendment, if the amendment does not increase the scope of the project.

(2) An amendment **to an application before a proposed decision is issued by the bureau** shall not change the person, the site of a proposed health facility or covered clinical service, or increase the number of beds or covered clinical services proposed in a certificate of need.

(3) A request to amend an application shall be accompanied by the required fee if the amendment request results in higher costs under the fee schedule in section 20161 of the code for the proposed project that would have required a higher application fee when submitted originally. An amendment not accompanied by the required fee will not be processed by the department until the required fee is received.

(4) An application that is not subject to comparative review may be amended by the applicant up to 30 days in advance of the proposed decision date established by these rules. If the department, with the advice of the appropriate regional certificate of need review agency, determines that the proposed amendment substantially changes the original application and that additional review by the department and the regional certificate of need review agency is required to adequately evaluate the proposal according to the code and these rules, the department shall require, as a condition of the amendment, that the applicant agree to extend the date for proposed decision as required to permit the additional review.

(5) The department may consider new or revised information submitted by an applicant for an application that is not being reviewed on a comparative basis, within 30 days of the proposed decision date or at any time after the proposed decision and before a final decision is issued, if an applicant requests an extension to the proposed or final decision date sufficient to allow the department and the appropriate regional certificate review agency, up to 30 days to review the new or revised information. The department may request from an applicant a longer extension, if **it is** necessary to review new or revised information. The applicant shall also simultaneously submit the new or revised information to the appropriate regional certificate of need review agency. The department shall make the new or revised information available to the public upon request.

(6) If an applicant for a project not originally subject to comparative review proposes to amend the application in such a way as to make it subject to a comparative review, the bureau shall notify the applicant of the need for comparative review. The applicant may then either withdraw the amendment or have the project considered under a new application on a subsequent designated application date.

R 325.9413 Amendments to approved certificates of need.

Rule 413. (1) A recipient may request the department to amend an approved certificate of need if the project is not a completed project. After consulting with the appropriate regional certificate of need review agency, the department shall decide whether the amendment requires another review. The department's decision to require another review or deny a request is not subject to the administrative hearing process **in the Administrative Procedures Act of 1969**, 1969 PA 306, MCL 24.201 **to 24.328**.

(2) A request to amend a certificate of need shall be accompanied by the required fee if the amendment request results in higher costs under the fee schedule in section 21601 of the code for the proposed project that would have required a higher fee when submitted originally. An amendment not accompanied by the required fee will not be processed by the department until the required fee is received. ~~A certificate of need issued after a comparative review cannot be amended. An amendment cannot change the site of an approved health facility or covered clinical service or increase the number of beds or covered clinical services approved in a certificate of need. Unless waived by the department, amendments to a certificate of need are subject to the same conditions and stipulations imposed on the original certificate and any new conditions and stipulations imposed on the amendment.~~

(3) A certificate of need issued after a comparative review shall not be amended to change any of the following:

(a) The scope of the project.

(b) An increase in the cost of the project.

(c) The method of financing the project.

(d) The terms of financing the project, except where a recipient demonstrates to the satisfaction of the department, that an amendment to change the method or terms of financing offers a less costly alternative to the approved method or terms of financing the project.

~~(34) The department may allow an amendment requesting a change in the method and terms of financing, site of an approved capital expenditures (e.g. medical equipment), or other costs only in those instances where the recipient is able to demonstrate that the need for amendment arises from circumstances beyond its control or the amendment offers a better alternative as determined by the department with the advice of the appropriate regional certificate of need review agency~~
health facility before completion of the project if both of the following criteria are met:

(a) Sufficient evidence is submitted and deemed reasonable by the bureau detailing an event that could not be reasonably foreseen that prevents the completion of an approved project at the approved site. The event that could not be reasonably foreseen must have occurred after the approval of the project.

(b) The site proposed in the amendment shall meet the exact criteria and scoring, if applicable, as the previously approved site and any new criteria in updated standards.

(45) An amendment for an approved health facility or covered clinical service shall not modify the person, the building, or purpose of the property, or the scope of the project. An amendment for an approved health facility or covered clinical service shall not increase the

number of beds or clinical services approved in a certificate of need. An amendment cannot change the site of an approved covered clinical service for a nonlicensed facility.

(36) The department may allow an amendment requesting a change in the method and terms of financing, approved capital expenditures, **for example**, medical equipment, or other costs only in those instances where the recipient is able to demonstrate that the need for amendment arises from circumstances beyond its control or the amendment offers a better alternative as determined by the department with the advice of the appropriate regional certificate of need review agency.

(57) The department may request additional information regarding a proposed amendment under the time periods in R 325.9201(3).

(68) The review period for a request to amend an approved certificate of need shall not be longer than the original review period for the application. When reviewing a proposed amendment to an approved certificate of need, the bureau shall use the standards in effect at the time of the original approval of the certificate of need **that the amendment is approved.**

(79) The department may grant an extension to the date a decision will be issued for an amendment upon written request from a recipient. An extension may be granted for not less than 30 days, but not more than 90 days.

(10) Unless waived by the department, amendments to a certificate of need are subject to the same conditions and stipulations imposed on the original certificate and any new conditions and stipulations imposed on the amendment.

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
Policy, Planning, and Legislative Services Administration
Administrative Rules for the Certificate of Need Program
Rule Set 2016-005 HS**

The Michigan Department of Health and Human Services will hold a public hearing to receive public comments on amendments to the Certificate of Need rule set.

**Wednesday, July 27, 2016
9:00 A.M. to 12 P.M.
Conference Room 1K
333 S. Grand Avenue
First Floor-Grand Conference Room
Lansing, Michigan 48909
Email: MDHHS-AdminRules@michigan.gov**

The goal of these amendments is to provide greater flexibility in the Certificate of Need program for an applicant to adjust the site of a proposed licensed facility if an unforeseen event occurs making the previously proposed site unusable. In such a case, the applicant would need to amend their application under the new amendment. Without the amendment, the applicant would be denied and would have to file a new application with the new site. This proposed amendment to the rules eliminates a great burden on Michigan's healthcare providers seeking to build new facilities within our state.

By authority conferred on the Department of Health and Human Services by Sections 2226, 2233, and 22255 of 1978 PA 368, MCL 333.226, 333.233, and 333.22255, and Executive Reorganization Order No. 1996-1, MCL 330.101. These rules will take effect 30 days after filing with the Secretary of State. The rules (Rule Set 2016-005 HS) are published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the Michigan Register in the July 15, 2016 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

**Department of Health and Human Services
Policy, Planning & Legislative Services Administration
333 South Grand Avenue, 5th Floor
P.O. Box 30037
Lansing, MI 48909-0634
E-mail: MDHHS-AdminRules@michigan.gov**

Comments on the rules may be made in person at the hearing or by mail or electronic mail until Friday, July 29, 2016.

The public hearings will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-335-4276 to make arrangements.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

June 30, 2016

Deidre O'Berry
Office of Regulatory Reinvention
State Budget Office
611 W. Ottawa – 2nd Floor
Lansing, MI 48909

Subject: MSA Provider Hearings-Obvious Error Amendment Request
Mich Admin Code Rule Set R 400.3401 - 400.3425

Dear Ms. O'Berry:

Pursuant to MCL 24.256, the Department of Health and Human Services (DHHS) is requesting correction to the MSA Provider Hearings rule set of which the most recent filing with the Office of the Great Seal occurred on May 19, 2016. There is one obvious error in the rule set and correction of this error will not affect the substantive purpose of the rules in any way. The correction being requested is as follows:

- Page 1, Mich Admin Code R 400.3402. As an additional definition was added to this rule set, the definition of "Adverse Action" should have been preceded with an "(a)" subrule designation.

Please amend the rule set to reflect the correction as outlined above at your earliest convenience. As always, thank you for your assistance.

Sincerely,

Mary E. Brennan,
Regulatory Affairs Officer
DHHS Legal Affairs

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.”

EXECUTIVE ORDERS

EXECUTIVE ORDER

No. 2016 - 15

**CREATION OF THE
MICHIGAN PRESCRIPTION DRUG AND OPIOID ABUSE COMMISSION
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**MICHIGAN PRESCRIPTION DRUG AND OPIOID ABUSE TASK FORCE
CONTROLLED SUBSTANCES ADVISORY COMMISSION
ADVISORY COMMITTEE ON PAIN AND SYMPTOM MANAGEMENT**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which the Governor considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the constitution; and

WHEREAS, the Controlled Substances Advisory Commission (“CSAC”) was established in 1989 pursuant to MCL 333.7113 to monitor indicators of controlled substance abuse and diversion in the state and make recommendations to the Governor for actions involving licensing, law enforcement, substance abuse treatment and prevention, education, professional associations, and pharmaceutical manufacturers; and

WHEREAS, the Advisory Committee on Pain and Symptom Management (“ACPSM”) was created in 1999 pursuant to MCL 333.16204a to consult with the health professional boards to develop an integrated approach to understanding and applying pain and symptom management techniques; and

WHEREAS, the ACPSM was also tasked with developing and encouraging the implementation of model core curricula and recommending continuing education for each health profession; and

WHEREAS, the ACPSM has successfully completed the duties assigned to the committee and its recommendations were presented to the Governor in its annual reports; and

WHEREAS, the Prescription Drug and Opioid Abuse Task Force (“Task Force”) was established in 2015 to build on the work of the CSAC and ACPSM to address the growing prescription drug and opioid problem in Michigan; and

WHEREAS, the Task Force developed several recommendations regarding prevention, treatment, regulation, policy and outcomes, and enforcement in its statewide action plan dated October 26, 2015; and

WHEREAS, it is necessary to create a commission to ensure the implementation and monitoring of the statewide plan and to make further recommendations to combat the severe and complex prescription drug abuse epidemic that faces this state;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. CREATION OF THE PRESCRIPTION DRUG AND OPIOID ABUSE COMMISSION

A. The Prescription Drug and Opioid Abuse Commission (“Commission”) is established in the Department of Licensing and Regulatory Affairs (“Department”).

B. All of the authority, powers, duties, functions, responsibilities, and records of the Michigan Prescription Drug and Opioid Abuse Task Force (“Task Force”), the Controlled Substances Advisory Commission, and the Advisory Committee on Pain and Symptom Management, are transferred to the Commission created by this Order.

C. The Commission shall be composed of seventeen (17) members appointed and serving at the pleasure of the Governor. The term of the Commission will be two years.

D. The Commission will consist of the following members: one allopathic doctor, one osteopathic doctor, one dentist, one veterinarian, one physician’s assistant, one registered professional nurse, one pharmacist, two law enforcement officers, one psychologist, one representative from a Michigan hospice organization, one chronic pain sufferer, one representative from a Michigan medical school, one representative from a statewide pharmacy association, one representative of pharmaceutical manufacturers, one substance abuse treatment provider, and one member representing the general public.

E. The Director, or designee, of the Department of Licensing and Regulatory Affairs (“Director”) shall serve as an ex-officio, non-voting Chairperson of the Commission. The Commission may elect other officers from its members as the Commission considers appropriate.

F. The Attorney General, Director of the Department of Health and Human Services, Director of the Michigan State Police, or their designees, shall serve as ex-officio, non-voting members of the Commission.

G. The Commission shall be administered under the supervision of the Department. The Commission shall exercise its prescribed powers, duties, and functions independently of the

Director of the Department. All budgeting, procurement, and related management functions of the Commission shall be performed under the direction and supervision of the Department.

II. CHARGE TO THE COMMISSION

A. The Commission shall act in an advisory capacity to the Governor and the Director and shall do all of the following:

1. Review the Report of Findings and Recommendations for Action from the Michigan Prescription Drug and Opioid Abuse Task Force dated October 26, 2015 (“Report”).
2. Develop and propose policies and an action plan to implement the recommendations in the Report.
3. Monitor and advise the Governor as to the progress of the action plan.
4. Evaluate the efficacy of the current proposals and continually develop new solutions to address societal changes.
5. Develop and encourage the implementation of model core curricula on pain and symptom management.

B. The Commission shall also provide other information and advice to the Governor regarding the state of prescription drug and opioid abuse in Michigan.

C. The Commission shall issue an annual report to the Governor outlining the progress of the issues addressed in Section II and providing recommendations for any further action.

III. OPERATIONS OF THE COMMISSION

A. The Commission shall be assisted by personnel from the Department as directed by the Governor.

B. The Commission may hold public hearings in the same manner as provided for a public hearing held under the Administrative Procedures Act of 1969, to gather information from the general public.

C. Members of the Commission shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes, rules, and procedures of the Department, subject to available appropriations.

D. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

IV. MISCELLANEOUS

A. Any suit, action, or other proceeding lawfully commenced by or against the Task Force, CSAC, or the ACPSM prior to the effective date of this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

B. The Controlled Substances Advisory Commission and the Advisory Committee on Pain and Symptom Management are abolished.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective 60 days after the filing of this Order.

Given under my hand and the Great Seal of the state of Michigan this ____ day of June in the Year of Our Lord, Two Thousand and Sixteen.

RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

EXECUTIVE ORDERS

**EXECUTIVE ORDER
No. 2016 - 16**

**CREATION OF THE
GOVERNOR'S 21ST CENTURY EDUCATION COMMISSION**

AMENDMENT TO EXECUTIVE ORDER 2016-6

EXECUTIVE OFFICE OF THE GOVERNOR

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 4 of Article V of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes; and

WHEREAS, under Section 1 of 1931 PA 195, being MCL 10.51, the Governor may, at such times and for such purposes as the Governor deems necessary or advisable, create special advisory bodies consisting of as many members as the Governor deems appropriate; and

WHEREAS, Section 17 of Article V of the Michigan Constitution of 1963 empowers the Governor to present to the Legislature information as to the affairs of the state and recommend measures that he considers necessary or desirable; and

WHEREAS, an educated and knowledgeable population is critical to Michigan's economic and civic vitality and its quality of life; and

WHEREAS, a skilled, credentialed work force capable of sustained success in a global, knowledge-based economy is a necessary outcome of a state's system of education; and

WHEREAS, Michigan's current system of local, regional, and state education entities is over five decades old and was designed primarily to produce a mid-skilled workforce for a manufacturing economy; and

WHEREAS, Michigan's current system of funding education hasn't been modified in over twenty years and there have been significant changes in the state's population and economy since that time; and

WHEREAS, Michigan falls below the national average in critical measures of educational attainment including the number of individuals with college degrees or work-valued credentials; and

WHEREAS, the current system of education is producing significantly disparate achievement results for minority and economically disadvantaged students and a growing number of students seeking postsecondary credentials require costly remedial coursework in order to continue; and

WHEREAS, Michigan cannot hope to maintain its economic vitality and quality of life without making dramatic gains in the academic achievement and career preparedness of all its residents; and

WHEREAS, the people of Michigan have historically supported and invested in a system of public education to open the doors of educational opportunity and employment to all; and

WHEREAS, we must act now to ensure our system of education, its structure, governance, funding, and accountability, is focused on student achievement and success for the good of all residents and the vitality of the state;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. AMENDMENT

Section II.C. of Executive Order 2016-6 is amended to read as follows:

No later than February 28, 2017, shall complete its work and issue a final report to the Governor for his consideration.

II. MISCELLANEOUS

All other provisions of Executive Order 2016-6 not specifically amended by this Order shall remain unchanged.

This Executive Order shall become effective upon filing.

Given under my hand and the Great
Seal of the state of Michigan this
_____ day of June, in the Year of
our Lord Two Thousand Sixteen.

RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

OTHER OFFICIAL INFORMATION

MCL 24.208 states in part:

Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(i) Other official information considered necessary or appropriate by the office of regulatory reform.

OTHER OFFICIAL INFORMATION

June 17, 2016

Katie Sowton
Office of Performance and Transformation
Office of Regulatory Reinvention
611 W. Ottawa – 2nd Floor
Lansing, MI 48909

Dear Ms. Sowton:

Portions of the Michigan Administrative Code have been repealed through the enactment of 2000 PA 92, which repealed 1968 PA 39. The Department of Agriculture and Rural Development is writing the Office of Regulatory Reinvention to request that corrections to the Administrative Code be made, pursuant to the Administrative Procedures Act, Section 31(2), MCL 24.231; and, Section 56(1), MCL 24.256.

We request the following administrative rules be rescinded, effective immediately:

- Regulation 553, Food Establishments, (R 285.553.1 to R 285.553.26).

If you have any questions, please contact me at 284-5729.

Sincerely,

Bradley N. Deacon
Regulatory Affairs Officer
Office of Legal Affairs

BND/dkm

(2016 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2015 RULE FILINGS)

R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
29.1901	*	10	325.5005	*	10	325.5081	*	10
29.1902	*	10	325.5006	*	10	325.5087	*	10
29.1903	*	10	325.5007	*	10	325.5110	*	10
29.1904	*	10	325.5008	*	10	325.5111	R	10
29.1905	*	10	325.5009	*	10	325.5111a	R	10
29.1906	*	10	325.5010	*	10	325.5111b	R	10
29.1907	*	10	325.5011	*	10	325.5111c	R	10
29.1908	*	10	325.5012	*	10	325.5112	R	10
29.1921	*	10	325.5013	*	10	325.5113	R	10
29.1922	*	10	325.5014	*	10	325.5114	R	10
29.1923	*	10	325.5016	*	10	325.5115	R	10
29.1924	*	10	325.5017	*	10	325.5116	R	10
29.1931	*	10	325.5018	*	10	325.5117	R	10
29.1932	*	10	325.5019	*	10	325.5117	R	10
29.1933	*	10	325.5020	*	10	325.5121	R	10
29.1934	*	10	325.5031	*	10	325.5122	R	10
29.1907a	A	10	325.5033	*	10	325.5132	R	10
29.1909	R	10	325.5041	*	10	325.5148	R	10
125.651	R	4	325.5043	*	10	325.5149	R	10
125.652	R	4	325.5044	*	10	325.5181	R	10
125.653	R	4	325.5046	*	10	325.5182	R	10
125.654	R	4	325.5047	*	10	325.5183	R	10
206.28	A	8	325.5051	*	10	325.5184	R	10
281.700.3	*	4	325.5052	*	10	325.5185	R	10
325.1	*	2	325.5053	*	10	325.5186	R	10
325.2	*	2	325.5054	*	10	325.5187	R	10
325.3	*	2	325.5055	*	10	325.5188	R	10
325.4	*	2	325.5056	*	10	325.5189	R	10
325.2581	R	3	325.5057	*	10	325.5191	R	10
325.2583	R	3	325.5058	*	10	325.5192	R	10
325.2584	R	3	325.5059	*	10	325.5193	R	10
325.2586	R	3	325.5060	*	10	325.5194	R	10
325.2587	R	3	325.5061	*	10	325.5195	R	10
325.2588	R	3	325.5065	*	10	325.5196	R	10
325.2589	R	3	325.5066	*	10	325.5232	R	10
325.2590	R	3	325.5067	*	10	325.5256	R	10
325.2591	R	3	325.5071	*	10	325.5273	R	10
325.5002	*	10	325.5072	*	10	325.5274	R	10
325.5003	*	10	325.5073	*	10	325.5281	R	10
325.5004	*	10	325.5074	*	10	325.5282	R	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
325.5285	R	10	325.5361	R	10	325.5438	R	10
325.5286	R	10	325.5362	R	10	325.5439	R	10
325.5287	R	10	325.5365	R	10	325.5440	R	10
325.5288	R	10	325.5366	R	10	325.5441	R	10
325.5289	R	10	325.5368	R	10	325.5442	R	10
325.5290	R	10	325.5371	R	10	325.5448	R	10
325.5291	R	10	325.5372	R	10	325.5449	R	10
325.5293	R	10	325.5373	R	10	325.5461	R	10
325.5294	R	10	325.5375	R	10	325.5462	R	10
325.5296	R	10	325.5376	R	10	325.5464	R	10
325.5297	R	10	325.5378	R	10	325.5465	R	10
325.5298	R	10	325.5379	R	10	325.5466	R	10
325.5299	R	10	325.5380	R	10	325.5468	R	10
325.5301	R	10	325.5381	R	10	325.5471	R	10
325.5302	R	10	325.5383	R	10	325.5474	R	10
325.5303	R	10	325.5384	R	10	325.5475	R	10
325.5305	R	10	325.5385	R	10	325.5482	R	10
325.5306	R	10	325.5386	R	10	325.5484	R	10
325.5307	R	10	325.5388	R	10	325.5485	R	10
325.5309	R	10	325.5389	R	10	325.5486	R	10
325.5311	R	10	325.5390	R	10	325.5487	R	10
325.5312	R	10	325.5391	R	10	325.5491	R	10
325.5315	R	10	325.5395	R	10	325.5492	R	10
325.5317	R	10	325.5396	R	10	325.5493	R	10
325.5321	R	10	325.5397	R	10	325.5494	R	10
325.5322	R	10	325.5401	R	10	325.5495	R	10
325.5323	R	10	325.5402	R	10	325.5501	R	10
325.5325	R	10	325.5403	R	10	325.5505	R	10
325.5331	R	10	325.5404	R	10	325.5506	R	10
325.5333	R	10	325.5405	R	10	325.5507	R	10
325.5337	R	10	325.5407	R	10	325.5508	R	10
325.5347	R	10	325.5409	R	10	325.5601	R	10
325.5348	R	10	325.5411	R	10	325.5601a	R	10
325.5351	R	10	325.5417	R	10	325.5602	R	10
325.5352	R	10	325.5418	R	10	325.5603	R	10
325.5353	R	10	325.5421	R	10	325.5605	R	10
325.5355	R	10	325.5422	R	10	325.5606	R	10
325.5357	R	10	325.5423	R	10	325.5607	R	10
325.5358	R	10	325.5425	R	10	325.5608	R	10
325.5359	R	10	325.5437	R	10	325.5609	R	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2016 MR 12 – July 15, 2016

R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
325.5610	R	10	325.5696	R	10	325.5214	*	10
325.5611	R	10	325.5697	R	10	325.5215	*	10
325.5612	R	10	325.5698	R	10	325.5216	*	10
325.5613	R	10	325.5701	R	10	325.5217	*	10
325.5626	R	10	325.5703	R	10	325.5218	*	10
325.5627	R	10	325.5705	R	10	325.5219	*	10
325.5628	R	10	325.5707	R	10	325.5220	*	10
325.5629	R	10	325.5709	R	10	325.5221	*	10
325.5630	R	10	325.5711	R	10	325.5222	*	10
325.5634	R	10	325.5713	R	10	325.5224	*	10
325.5635	R	10	325.5715	R	10	325.5225	*	10
325.5637	R	10	325.5717	R	10	325.5226	*	10
325.5655	R	10	325.5719	R	10	325.5227	*	10
325.5656	R	10	325.5721	R	10	325.5228	*	10
325.5657	R	10	325.5102	*	10	325.5229	*	10
325.5658	R	10	325.5117a	*	10	325.5230	*	10
325.5667	R	10	325.5118	*	10	325.5231	*	10
325.5668	R	10	325.5119	*	10	325.5233	*	10
325.5669	R	10	325.5120	*	10	325.5236	*	10
325.5674	R	10	325.5123	*	10	325.5237	*	10
325.5675	R	10	325.5124	*	10	325.5238	*	10
325.5676	R	10	325.5125	*	10	325.5239	*	10
325.5677	R	10	325.5131	*	10	325.5240	*	10
325.5678	R	10	325.5133	*	10	325.5241	*	10
325.5679	R	10	325.5141	*	10	325.5245	*	10
325.5681	R	10	325.5143	*	10	325.5246	*	10
325.5682	R	10	325.5144	*	10	325.5247	*	10
325.5683	R	10	325.5145	*	10	325.5250	*	10
325.5684	R	10	325.5146	*	10	325.5253	*	10
325.5685	R	10	325.5147	*	10	325.5255	*	10
325.5686	R	10	325.5201	*	10	325.5261	*	10
325.5687	R	10	325.5202	*	10	325.5262	*	10
325.5688	R	10	325.5203	*	10	325.5263	*	10
325.5689	R	10	325.5205	*	10	325.5264	*	10
325.5690	R	10	325.5206	*	10	325.5265	*	10
325.5691	R	10	325.5208	*	10	325.5266	*	10
325.5692	R	10	325.5210	*	10	325.5267	*	10
325.5693	R	10	325.5211	*	10	325.5268	*	10
325.5694	R	10	325.5212	*	10	325.5269	*	10
325.5695	R	10	325.5213	*	10	325.5270	*	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2016 MR 12 – July 15, 2016

R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
325.5271	*	10	325.52601	*	5	338.4973	*	6
325.5431	*	10	325.52602	*	5	338.4976	*	6
325.5432	*	10	338.1a	A	8	338.4978	*	6
325.5435	*	10	338.601	*	6	338.4982	*	6
325.5446	*	10	338.607	*	6	338.6103	A	8
325.5447	*	10	338.611	*	6	338.12001a	A	6
325.5450	*	10	338.613	*	6	338.13002	A	8
325.5452	*	10	338.617	*	6	339.14002	A	6
325.5454	*	10	338.619	*	6	400.5001	R	3
325.5455	*	10	338.621	*	6	400.5002	R	3
325.5481	*	10	338.623	*	6	400.5004	R	3
325.5511	*	10	338.602	A	6	400.5005	R	3
325.5021	R	10	338.604	A	6	400.5006	R	3
325.5049	R	10	338.627	A	6	400.5008	R	3
325.5060	R	10	338.629	A	6	400.5009	R	3
325.5061	R	10	338.641	A	6	400.5011	R	3
325.5065	R	10	338.645	a	6	400.5013	R	3
325.5066	R	10	338.647	A	6	400.5014	R	3
325.5067	R	10	338.649	A	6	400.5016	R	3
325.5071	R	10	338.609	R	6	400.5017	R	3
325.5072	R	10	338.625	R	6	400.5018	R	3
325.5073	R	10	338.1303	A	8	408.10702	A	5
325.5074	R	10	338.1751a	A	6	408.10711	*	5
325.5081	R	10	338.2201a	A	6	408.10712	*	5
325.5087	R	10	338.3113	*	8	408.10713	*	5
325.5110	R	10	338.3120	*	8	408.10727	*	5
325.52001	*	6	338.3121	*	8	408.10753	*	5
325.52002	*	6	338.3123	*	8	408.18502	*	5
325.52003	*	6	338.3125	*	8	408.18599	*	5
325.52005	*	6	338.3651	A	6	408.14016e	R	6
325.52008	*	6	338.3653	A	6	408.14017a	R	6
325.52011	*	6	338.3655	A	6	408.14018a	R	6
325.50251	*	5	338.3657	A	6	408.14019a	R	6
325.50252	*	5	338.3659	A	6	408.14019b	R	6
325.50253	*	5	338.3661	A	6	408.14019c	R	6
325.50254	*	5	338.3663	A	6	408.14020a	R	6
325.50255	*	5	338.3665	A	6	408.14021a	R	6
325.50256	*	5	338.3901a	A	6	408.14021b	R	6
325.50257	*	5	338.4971	*	6	408.14022a	R	6
325.50258	*	5	338.4972	*	6	408.14023a	R	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
408.14024a	R	6	408.41006c	A	6	408.41053g	A	6
408.14025a	R	6	408.41006d	A	6	408.41054	A	6
408.14025b	R	6	408.41006e	A	6	408.41055	A	6
408.14026a	R	6	408.41007	A	6	408.41055a	A	6
408.14027a	R	6	408.41035	A	6	408.41055b	A	6
408.14028a	R	6	408.41035a	A	6	408.41055c	A	6
408.14029a	R	6	408.41035b	A	6	408.41056	A	6
408.14030a	R	6	408.41035c	A	6	408.41056a	A	6
408.14031a	R	6	408.41035d	A	6	408.41056b	A	6
408.14032a	R	6	408.41036	A	6	408.41056c	A	6
408.14033a	R	6	408.41036a	A	6	408.41056d	A	6
408.14034a	R	6	408.41036b	A	6	408.41056e	A	6
408.14041a	R	6	408.41036c	A	6	408.41056f	A	6
408.17405	*	8	408.41036d	A	6	408.41056g	A	6
408.17411	*	8	408.41037	A	6	408.41056h	A	6
408.17421	*	8	408.41037a	A	6	408.41056i	A	6
408.17422	*	8	408.41037b	A	6	408.41057	A	6
408.17423	*	8	408.41037c	A	6	408.41058	A	6
408.17424	*	8	408.41037d	A	6	408.41060	A	6
408.17426	*	8	408.41037e	A	6	408.41060a	A	6
408.17432	*	8	408.41037f	A	6	408.41060b	A	6
408.17433	*	8	408.41038	A	6	408.41060c	A	6
408.17434	*	8	408.41038a	A	6	408.41061	A	6
408.17435	*	8	408.41038b	A	6	408.41061a	A	6
408.17436	*	8	408.41038c	A	6	408.41061b	A	6
408.17437	*	8	408.41039	A	6	408.41061c	A	6
408.17440	*	8	408.41039a	A	6	408.41061d	A	6
408.17451	*	8	408.41039b	A	6	408.41061e	A	6
408.17461	*	8	408.41040	A	6	408.41061f	A	6
408.17463	*	8	408.41051a	R	6	408.41061g	A	6
408.41003a	*	6	408.41052	A	6	408.41062	A	6
408.41006a	*	6	408.41052a	A	6	408.41063	A	6
408.41001	A	6	408.41052b	A	6	408.41064	A	6
408.41003	A	6	408.41053	A	6	408.41065a	R	6
408.41003b	A	6	408.41053a	A	6	408.41066a	R	6
408.41003c	A	6	408.41053b	A	6	408.41067a	R	6
408.41003d	A	6	408.41053c	A	6	408.41068a	R	6
408.41003e	A	6	408.41053d	*	6	408.41069a	R	6
408.41006	A	6	408.41053e	*	6	408.41070a	R	6
408.41006b	A	6	408.41053f	A	6	408.41070b	R	6

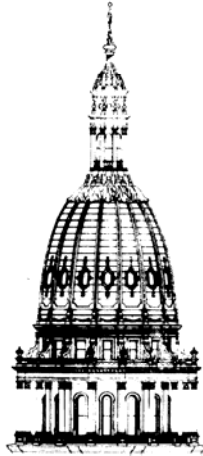
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
408.41071a	R	6	408.41085b	A	6	408.41016b	R	6
408.41072a	R	6	408.41085c	A	6	408.41016c	R	6
408.41073a	R	6	408.41085d	A	6	408.41016d	R	6
408.41074a	R	6	408.41085e	A	6	408.41501	A	6
408.41075a	R	6	408.41085f	A	6	408.41505	A	6
408.41080	A	6	408.41085g	A	6	408.41510	A	6
408.41080a	A	6	408.41085h	A	6	408.41515	A	6
408.41080b	A	6	408.41086	A	6	408.41520	A	6
408.41080c	A	6	408.41086a	A	6	408.41521	A	6
408.41080d	A	6	408.41086b	A	6	408.41522	A	6
408.41080e	A	6	408.41086c	A	6	408.41523	A	6
408.41080f	A	6	408.41086d	A	6	408.41524	A	6
408.41080g	A	6	408.41086e	A	6	408.41525	A	6
408.41080h	A	6	408.41086f	A	6	408.41526	A	6
408.41080i	A	6	408.41086g	A	6	408.41527	A	6
408.41080j	*	6	408.41087	A	6	408.41530	A	6
408.41080k	*	6	408.41088	A	6	408.41531	A	6
408.41080l	A	6	408.41089	A	6	408.41540	A	6
408.41080m	A	6	408.41090	A	6	408.41541	A	6
408.41080n	A	6	408.41090a	A	6	408.41542	A	6
408.41080o	A	6	408.41090b	A	6	408.41543	A	6
408.41081	A	6	408.41090c	*	6	408.41550	A	6
408.41082	A	6	408.41090d	*	6	408.41560	A	6
408.41082a	A	6	408.41090e	A	6	408.41561	A	6
408.41082b	A	6	408.41001a	R	6	408.41562	A	6
408.41082c	A	6	408.41004a	R	6	408.41563	A	6
408.41082d	A	6	408.41005a	R	6	408.41564	A	6
408.41082e	A	6	408.41008a	R	6	408.41570	A	6
408.41082f	A	6	408.41009a	R	6	408.41580	A	6
408.41082g	A	6	408.41009b	R	6	408.41590	A	6
408.41083	A	6	408.41011a	R	6	408.41595	A	6
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408.41084a	A	6	408.41011c	R	6	408.41610	*	4
408.41084b	A	6	408.41011d	R	6	436.1311	R	4
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408.41085	A	6	408.41015a	R	6	484.75	*	8
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(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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792.11504	R	5
792.11505	R	5
792.11506	R	5
792.11507	R	5
792.11508	R	5
792.11509	R	5
792.1151	R	5
792.11511	R	5
792.11512	R	5
792.11513	R	5
792.11514	R	5
792.11515	R	5
792.11516	R	5
792.11517	R	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2015 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2016 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

May 12, 2016
Through Act 116 of 2016

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4983		Yes	1/26	1/26	4/25/16	Natural resources; fishing; entrance into state-operated public boating access sites and certain state parks on free fishing weekends; allow free of charge. (Rep. B. Rendon)
2	4604		Yes	1/26	1/26	2/25/16	Natural resources; soil and erosion; soil erosion and sedimentation permit process; provide exemption for certain agricultural practices. (Rep. B. Roberts)
3	5220		Yes	1/29	1/29	1/29/16	Appropriations; supplemental; distribution of certain appropriated revenue from the state general fund to department of health and human services; provide for. (Rep. P. Phelps)
4	4459		Yes	2/2	2/2	2/2/16	Traffic control; driver license; emergency contact information encoded in driver license; allow. (Rep. P. Lucido)
5	4460		Yes	2/2	2/2	2/2/16	State; identification cards; emergency contact information on state identification card; provide for. (Rep. P. Lucido)
6	4535		Yes	2/2	2/2	5/2/16	Weapons; licensing; requirement to obtain a license to purchase, carry, possess, use, or transport a pistol; exempt law enforcement officers. (Rep. L. Theis)
7		0232	Yes	2/2	2/2	2/2/16	Use tax; definitions; definition of auto dealer; modify. (Sen. D. Robertson)
8		0233	Yes	2/2	2/2	2/2/16	Sales tax; definitions; definition of auto dealer; modify. (Sen. D. Robertson)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0539	Yes	2/16	2/16	2/16/16	Higher education ; financial aid; promise zones; modify administration. (<i>Sen. G. Hansen</i>)
10		0540	Yes	2/16	2/16	2/16/16 #	Property tax ; state education tax; distribution of state education tax; modify. (<i>Sen. J. Ananich</i>)
11	5023		Yes	2/16	2/16	5/16/16	Natural resources ; other; dark sky preserves; expand locations. (<i>Rep. P. Pettalia</i>)
12		0328	Yes	2/16	2/16	5/16/16	Law enforcement ; state police; grade and duties of state law enforcement officers; modify. (<i>Sen. T. Schuitmaker</i>)
13		0303	Yes	2/16	2/16	5/16/16	Cemeteries and funerals ; other; investment of money in a perpetual care and maintenance fund; expand authority. (<i>Sen. M. Knollenberg</i>)
14		0394	Yes	2/16	2/16	5/16/16	Housing ; inspection; multi-unit inspections; make discretionary unless complaint is received and include certain townships within scope of act. (<i>Sen. D. Robertson</i>)
15		0615	Yes	2/16	2/16	2/16/16	Civil procedure ; remedies; judgments against municipalities that are collected as tax levies; prohibit transmission or capturing by other governmental entity. (<i>Sen. W. Schmidt</i>)
16	4455		Yes	2/23	2/23	5/23/16	Highways ; bridges; bridge inspection process; modify. (<i>Rep. B. Glardon</i>)
17	5070		Yes	2/23	2/23	5/23/16	Labor ; health and safety; franchisee and franchisor responsibility as employer under the Michigan occupational safety and health act; clarify. (<i>Rep. E. Leutheuser</i>)
18	5071		Yes	2/23	2/23	5/23/16	Labor ; hours and wages; employer responsibility for employees; allocate between franchisor and franchisee. (<i>Rep. P. Somerville</i>)

* - I.E. means Legislature voted to give the Act immediate effect.

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++ - Pocket veto.

- Tie bar.

2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
19	5072		Yes	2/23	2/23	5/23/16	Labor ; <i>hours and wages</i> ; franchisor responsibility for minimum wage violations; clarify. (Rep. N. Jenkins)
20	5073		Yes	2/23	2/23	5/23/16	Employment security ; <i>employers</i> ; franchisee and franchisor responsibility for contributions and benefits; clarify. (Rep. D. Garcia)
21		0513	Yes	2/23	2/23	2/23/16	Highways ; <i>name</i> ; renaming a bridge on US-10; designate as the "Corpsman Aaron D. Ullom Memorial Bridge". (Sen. J. Stamas)
22	4853		Yes	2/23	2/23	5/23/16	Vehicles ; <i>motorcycles</i> ; fee for motorcycle safety course; modify. (Rep. J. Tedder)
23	4854		Yes	2/23	2/23	5/23/16	Vehicles ; <i>motorcycles</i> ; waiver of certain test requirements for individuals who complete a motorcycle safety course; provide for. (Rep. J. Tedder)
24		0136	Yes	2/26	2/26	2/26/16	Appropriations ; <i>zero budget</i> ; supplemental appropriations; provide for fiscal year 2015-2016. (Sen. D. Hildenbrand)
25	4888		Yes	3/1	3/1	5/30/16	Property tax ; <i>other</i> ; assessment roll; allow assessor to maintain electronically. (Rep. H. Hughes)
26		0503	Yes	3/1	3/1	5/30/16	Children ; <i>adoption</i> ; Michigan Indian family preservation act (MIFPA); modify. (Sen. J. Emmons)
27	4758		Yes	3/1	3/1	3/1/16	Drains ; <i>financing</i> ; term bonds with mandatory redemption; provide for. (Rep. A. Pscholka)
28	4727		Yes	3/1	3/1	5/30/16	Aeronautics ; <i>other</i> ; regulations for tall structures; revise for meteorological towers. (Rep. T. Cole)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
29		0554	Yes	3/8	3/8	6/6/16	Health ; occupations; use of electronic continuing education tracking services; allow. (Sen. T. Schuitmaker)
30		0555	Yes	3/8	3/8	6/6/16	Occupations ; individual licensing and regulation; use of electronic continuing education tracking services; allow. (Sen. T. Schuitmaker)
31		0056	Yes	3/8	3/8	3/8/16	Courts ; judges; salary formula for judges; modify. (Sen. R. Jones)
32		0176	Yes	3/8	3/8	6/6/16 #	Crimes ; intoxication or impairment; oversight for ignition interlock servicing centers; provide for department of state. (Sen. T. Schuitmaker)
33		0357	Yes	3/8	3/8	6/6/16 #	Occupations ; vehicles, dealers and repair facilities; breath alcohol ignition interlock mechanics and servicers; include in motor vehicle service and repair act. (Sen. T. Schuitmaker)
34	4980		Yes	3/8	3/8	6/6/16 #	Criminal procedure ; sentencing guidelines; guidelines for crime of knowingly providing false information concerning an ignition interlock device; revise. (Rep. K. Kesto)
35		0334	Yes	3/8	3/8	3/8/16	Children ; protection; reporting child abuse or child neglect through an online reporting system and waiving a written report under certain circumstances; allow, change venereal disease to sexually transmitted infection, and allow federal or state governmental agency access to certain records. (Sen. J. Emmons)
36		0588	Yes	3/8	3/8	6/6/16	Natural resources ; hunting; certain tribal conservation officers; authorize to demand hunting, fishing, or fur harvester's licenses. (Sen. T. Casperson)
37		0680	Yes	3/8	3/8	3/8/16	Mental health ; other; naming the new patient programming center at the Walter P. Reuther Psychiatric Hospital the "James K. Haveman Center for Activity, Rehabilitation, and Therapy"; provide for. (Sen. P. MacGregor)
38		0150	Yes	3/15	3/15	3/15/16	Insurance ; health insurers; health plans that provide prescription drug coverage; clarify requirements for synchronizing multiple prescriptions and dispensing fees. (Sen. M. O'Brien)

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*** - See Act for applicable effective date.

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++ - Pocket veto.

- Tie bar.

2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
39		0051	Yes	3/15	3/15	6/13/16	Highways; name ; renaming a portion of highway in Genesee County; designate as "John Wayne "Dusty" Marcum Memorial Highway". (<i>Sen. K. Horn</i>)
40		0444	Yes	3/15	3/15	6/13/16	Health; emergency services ; critical incident stress management services for emergency service providers; provide for, prohibit disclosure of confidential communications, and provide immunity from liability. (<i>Sen. J. Stamas</i>)
41		0471	Yes	3/15	3/15	6/13/16	Courts; district court ; sixty-seventh district; clarify fourth division jurisdiction. (<i>Sen. D. Robertson</i>)
42		0472	Yes	3/15	3/15	6/13/16	Taxation; tobacco ; tobacco product manufacturers' escrow accounts act; modify. (<i>Sen. W. Schmidt</i>)
43		0473	Yes	3/15	3/15	6/13/16	Tobacco; generally ; tobacco products tax act; require certain enforcement disclosures. (<i>Sen. P. MacGregor</i>)
44		0578	Yes	3/15	3/15	6/13/16	Consumer credit; predatory lending ; mortgage borrowers' bill of rights; modify to refer to federal home loan publications. (<i>Sen. D. Booher</i>)
45		0644	Yes	3/15	3/15	3/15/16	Businesses; nonprofit corporations ; authorization to restructure municipal health facilities corporations; revise requirements. (<i>Sen. J. Stamas</i>)
46	4314		Yes	3/15	3/15	6/13/16	Traffic control; violations ; operation of a motor vehicle on property open to public in a manner that would be a moving violation if on public property causing death or serious impairment of a body function; prohibit, and provide penalties. (<i>Rep. S. Singh</i>)
47	4408		Yes	3/15	3/15	6/13/16 #	Health occupations; veterinarians ; veterinarian continuing education requirement; modify, and include veterinary technicians and a license cycle for veterinarian and veterinary technician licenses. (<i>Rep. K. Crawford</i>)
48	4458		Yes	3/15	3/15	6/13/16	Transportation; other ; complete streets advisory council; eliminate. (<i>Rep. J. Runestad</i>)

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2016 Michigan Public Acts Table

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	HB	SB					
49	4999		Yes	3/15	3/15	6/13/16 #	Health; pharmaceuticals ; dispensing prescription drug or device requirements; expand to include an out-of-state veterinary prescriber, and amend certain other provisions relating to veterinary licensing. (Rep. E. McBroom)
50	5105		No	3/15	3/15	**	Insurance; health insurers ; health insurance claims assessment on carriers and third party administrators; modify sunset. (Rep. A. Pscholka)
51	4887		Yes	3/22	3/22	3/22/16	Individual income tax; other ; limitations on investment direction of contributions made to a Michigan education savings account; modify. (Rep. A. Forlini)
52	4747		Yes	3/22	3/22	6/20/16	Property; other ; adverse possession; prohibit against local units of government. (Rep. H. Hughes)
53	5385		Yes	3/29	3/29	3/29/16 #	State financing and management; authorities ; Michigan financial review commission; expand to include certain education districts. (Rep. E. Poleski)
54	5296		Yes	3/29	3/29	3/29/16	Appropriations; zero budget ; supplemental appropriations for distressed public schools; provide for fiscal year 2015-2016. (Rep. A. Pscholka)
55		0507	Yes	3/29	3/29	6/27/16	Environmental protection; recycling ; registration and reporting requirements; establish for recyclers of material from residential and commercial waste. (Sen. M. Green)
56		0216	Yes	3/29	3/29	6/27/16	School aid; other ; certain references to general education development (GED); modify. (Sen. D. Robertson)
57		0551	Yes	3/29	3/29	6/27/16	Probate; wills and estates ; designation of a funeral representative to make disposition arrangements for decedent; provide for. (Sen. T. Schuitmaker)
58	4577		Yes	3/29	3/29	3/29/16	Traffic control; driver license ; renewal of unexpired seasonal restricted commercial driver licenses; allow. (Rep. D. Lauwers)

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	HB	SB					
59	5034		Yes	3/29	3/29	6/27/16	Probate ; wills and estates; fiduciary access to digital assets act; enact. (Rep. A. Forlini)
60	4792		Yes	3/29	3/29	6/27/16	Health occupations ; health care professionals; authorized health professionals from other states accompanying athletic teams to sporting events in this state; provide licensing waiver. (Rep. R. Wittenberg)
61	5377		Yes	4/5	4/5	4/5/16	Appropriations ; supplemental; Michigan natural resources trust fund; provide appropriations for fiscal year 2015-2016. (Rep. J. Bumstead)
62	5107		Yes	4/5	4/5	7/4/16	Law enforcement ; other; human trafficking notification act; create. (Rep. K. Heise)
63		0374	Yes	4/5	4/5	7/4/16 #	Health ; code; references to venereal disease; revise to sexually transmitted infection. (Sen. C. Hertel)
64		0375	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. (Sen. P. MacGregor)
65		0376	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. (Sen. D. Knezek)
66		0377	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. (Sen. W. Schmidt)
67		0378	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. (Sen. M. O'Brien)
68		0379	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. (Sen. R. Warren)

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	HB	SB					
69		0380	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. (<i>Sen. J. Marleau</i>)
70		0381	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. (<i>Sen. C. Young</i>)
71		0592	Yes	4/5	4/5	4/5/16	Health facilities ; other; designated places to perform surgical removal of a human organ; expand. (<i>Sen. C. Hertel</i>)
72	4418		Yes	4/5	4/5	7/4/16	Traffic control ; traffic regulation; maple sap transport; include in agricultural commodities for exemption from seasonal road restrictions. (<i>Rep. L. Chatfield</i>)
73	4813		Yes	4/5	4/5	7/4/16	Occupations ; electricians; number of apprentice electricians a journeyman or master electrician may supervise on a jobsite; revise. (<i>Rep. A. Price</i>)
74	5006		Yes	4/5	4/5	7/4/16	Highways ; name; certain portion of Business Route I-96; designate as the "Lansing Firefighter Dennis E. Rodeman Memorial Highway". (<i>Rep. T. Cochran</i>)
75	4537		Yes	4/5	4/5	7/4/16	Labor ; fair employment practices; employee absence from work to provide emergency civil air patrol services; protect from adverse employment action. (<i>Rep. A. LaFontaine</i>)
76	5192		Yes	4/5	4/5	7/4/16	Occupations ; accounting; practice of public accounting; revise scope of practice. (<i>Rep. C. Afendoulis</i>)
77		0729	Yes	4/12	4/12	4/12/16	Transportation ; funds; counties to provide loans to townships for purpose of funding township road construction projects; allow. (<i>Sen. W. Schmidt</i>)
78		0171	Yes	4/12	4/12	7/11/16	Property tax ; exemptions; housing exemption for elderly or disabled families; modify. (<i>Sen. S. Bieda</i>)

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	HB	SB					
79		0366	Yes	4/12	4/12	7/11/16	Records; public ; solicitation of a fee for providing a copy of a deed; regulate. (<i>Sen. C. Hertel</i>)
80		0502	Yes	4/12	4/12	7/11/16	Health; pharmaceuticals ; health care false claims act; modify exemption to exempt certain payments from drug manufacturers to certain persons for certain health care services. (<i>Sen. J. Marleau</i>)
81		0667	Yes	4/12	4/12	4/12/16	Liquor; advertising ; providing advertising items to retailers; modify. (<i>Sen. J. Stamas</i>)
82		0582	Yes	4/12	4/12	4/12/16	Property tax; delinquent taxes ; issuance of revenue notes secured by the collection of delinquent taxes by a county treasurer; allow. (<i>Sen. J. Brandenburg</i>)
83		0583	Yes	4/12	4/12	4/12/16	State financing and management; bonds ; requirement for a county treasurer to issue revenue notes secured by delinquent tax revenues; provide for. (<i>Sen. J. Brandenburg</i>)
84	4895		Yes	4/12	4/12	7/11/16	Liquor; licenses ; secondary location permit to sell beer and wine at retailers with motor fuel pumps; provide for. (<i>Rep. A. Nesbitt</i>)
85		0352	Yes	4/13	4/13	7/12/16	Health; home health care ; designated caregiver act; create. (<i>Sen. M. O'Brien</i>)
86		0476	Yes	4/19	4/19	4/19/16	Taxation; tobacco ; tobacco products act; eliminate sunset related to tax on cigars. (<i>Sen. W. Schmidt</i>)
87	4479		Yes	4/26	4/26	7/25/16	Crimes; assaultive ; assault or battery of a pregnant woman; increase penalties under certain circumstances. (<i>Rep. A. Price</i>)
88	4788		Yes	4/26	4/26	7/25/16 #	Criminal procedure; sentencing guidelines ; sentencing guidelines for crime of assault and battery of a pregnant individual; provide for. (<i>Rep. A. Price</i>)

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	HB	SB					
89		0508	Yes	4/26	4/26	7/25/16	Crimes; other ; intentional posting of sexually explicit visual material of another person without consent; prohibit. (Sen. S. Bieda)
90		0509	Yes	4/26	4/26	7/25/16 #	Crimes; penalties ; penalties for intentionally posting sexually explicit visual material of another person without consent; provide for. (Sen. R. Jones)
91	4477		Yes	4/26	4/26	7/25/16	Civil procedure; appeals ; service of papers; provide for alternate service if party is protected by a protective order. (Rep. K. Kesto)
92		0490	Yes	5/2	5/2	7/31/16	Trade; business practices ; provisions relating to the disclosure of customer information under video rental privacy statute; modify. (Sen. T. Schuitmaker)
93	4476		Yes	5/3	5/3	8/1/16	Civil procedure; other ; mediation; limit in certain domestic relations actions. (Rep. H. Santana)
94	4478		Yes	5/3	5/3	8/1/16	Civil procedure; personal protection orders ; acts that may be enjoined; include harming animals owned by petitioner. (Rep. R. Kosowski)
95	4480		Yes	5/3	5/3	8/1/16	Children; protection ; factors determining best interest of child; modify in cases of domestic violence. (Rep. K. Heise)
96	4481		Yes	5/3	5/3	8/1/16	Family law; child custody ; custody or parenting time for certain parents of a child conceived through sexual assault or sexual abuse; prohibit under certain circumstances. (Rep. L. Lyons)
97	4660		Yes	5/3	5/3	8/1/16	Insurance; health insurers ; reporting requirements for health maintenance organizations' enrollment levels; eliminate. (Rep. T. Leonard)
98	4661		Yes	5/3	5/3	8/1/16 #	Insurance; other ; medical malpractice report related to assumed liability to pay a claim; eliminate. (Rep. L. Theis)

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	HB	SB					
99	4662		Yes	5/3	5/3	8/1/16	Insurance; other; reporting requirements for state of competition in the commercial liability insurance market; eliminate. (Rep. H. Vaupel)
100	4663		Yes	5/3	5/3	8/1/16	Insurance; other; reporting requirements for short-term limited duration policies; modify. (Rep. J. Runestad)
101	4664		Yes	5/3	5/3	8/1/16	Insurance; other; reporting requirement for competition in the worker's compensation market; eliminate. (Rep. R. Franz)
102	4665		Yes	5/3	5/3	8/1/16 #	Insurance; other; municipal claims report; eliminate. (Rep. R. Wittenberg)
103	4666		Yes	5/3	5/3	8/1/16 #	Insurance; other; reference municipal claims report; eliminate. (Rep. D. Miller)
104	4667		Yes	5/3	5/3	8/1/16 #	Insurance; other; reporting requirement for liquor liability insurance; eliminate. (Rep. R. Kosowski)
105	4668		Yes	5/3	5/3	8/1/16 #	Insurance; other; waiver of proof of financial responsibility filing requirement for retail licensees; eliminate. (Rep. A. LaFontaine)
106	5257		Yes	5/3	5/3	8/1/16	Liquor; advertising; social media promotions; define and allow. (Rep. K. Kesto)
107	5525		Yes	5/5	5/6	5/6/16	Property tax; special assessments; state essential services assessment act; modify filing requirements. (Rep. A. Nesbitt)
108	5526		Yes	5/5	5/6	5/6/16	Property tax; exemptions; general property tax act; modify filing requirements. (Rep. J. Farrington)

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	HB	SB					
109	5545		Yes	5/5	5/6	5/6/16	Property tax; special assessments; alternative state essential services assessment act; modify filing requirements. (Rep. J. Farrington)
110	5527		Yes	5/5	5/6	5/6/16	Economic development; plant rehabilitation; certain filing requirements; modify. (Rep. J. Farrington)
111	4187		Yes	5/10	5/10	8/8/16	Crimes; malicious destruction; vandalizing, desecrating, or intentionally destroying certain public property on a highway, freeway, or interstate road; prohibit, and provide penalties. (Rep. F. Durhal)
112		0331	Yes	5/10	5/10	8/8/16	Businesses; distributors and dealers; used motor vehicle parts dealers; require certain forms of payment for used tires, wheels, and rims. (Sen. R. Jones)
113	4793		Yes	5/10	5/10	8/8/16	Mental health; code; confidentiality of filing petitions for involuntary hospitalization; require. (Rep. P. Lucido)
114	4636		Yes	5/10	5/10	8/8/16	Occupations; insurance; sale of insurance for self-service storage units; eliminate license requirement. (Rep. B. Rendon)
115	5278		Yes	5/10	5/10	5/10/16	Drains; financing; incomplete drain improvement; specify types of costs that can be apportioned. (Rep. B. Glardon)
116	5163		Yes	5/10	5/10	8/8/16	State financing and management; funds; urban land assembly act; repeal, and transfer any remaining funds into the Michigan land bank. (Rep. K. Heise)

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